ANALYSIS · AND · OPTIONS FOR · THE · GOVERNMENT · OF METROPOLITAN · TORONTO

Prepared by the Task Force on
Representation and Accountability
in Metropolitan Toronto

NOVEMBER 1986

November 1986

The Honourable Bernard Grandmaître
Minister of Municipal Affairs
777 Bay Street, 17th Floor
Toronto, Ontario
M5G 2E5

Dear Mr. Grandmaître:

We, the members of the Task Force on Representation and Accountability in Metropolitan Toronto, are pleased to submit to you our report.

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PREPARED BY THE TASK FORCE ON REPRESENTATION AND ACCOUNTABILITY IN METROPOLITAN TORONTO

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FOREWORD

Governmental institutions, to be effective, must be sensitive to changing conditions and a changing environment. They cannot remain static. Our democratically elected, representative bodies make decisions that touch all of our lives. Via these bodies, a few act on behalf of many.

People must understand who is responsible for what in our metropolitan federation. It is important to provide a system which enables municipal politicians in Metropolitan Toronto to devote more time to Metro issues. The Minister of Municipal Affairs, the Honourable Bernard Grandmaître, appointed a Task Force to review the system and identify options for change to meet these objectives.

The Task Force was formed to assist the Government to address the issues of representation, accountability and responsiveness in the Municipality of Metropolitan Toronto. The Minister invited each municipality to name a senior staff representative to the Task Force. The Task Force that was formed brought together a blend of political and administrative expertise.

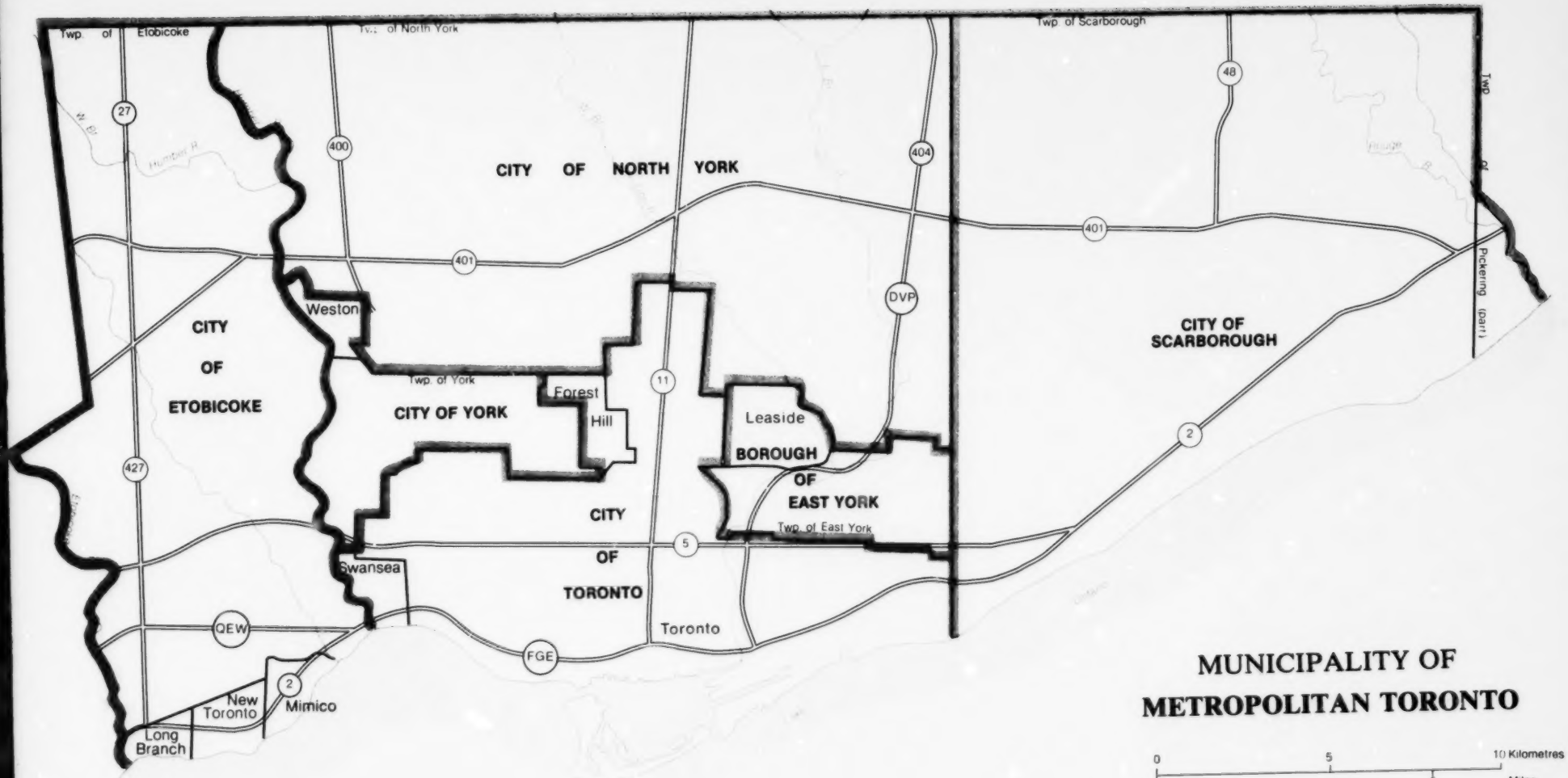
The topics, designated by the Minister for study by the Task Force, provided the basis for a comprehensive examination of alternate ways to approach the composition of Metropolitan government. This group was to concentrate on viable alternatives to the present system of governing the Metropolitan federation.

The role of the Task Force was to produce a document setting out, under each of the topics, a range of options and an analysis of each. The responsibility for adopting a particular combination of options will ultimately be that of the Provincial Cabinet and Legislature, after receiving the views of Metropolitan Council, the area municipalities and the public.

The Task Force performed an advisory function, in analysing the options. They were not asked to decide on what policy should be; that is, to make recommendations. To have done so would have placed the municipal staff in an untenable position.

The Task Force focused on three council systems and two options for the office of Chairman, as alternatives to the status quo. Those options do not exhaust all possibilities but they do appear to the Task Force to be the most practical.

The implications of combining the alternative council systems with the options for office of Chairman were analysed. There is no preferred option stated. Choosing a particular combination requires careful evaluation of the trade-offs involved. The Task Force, in fulfilling its mandate to provide analysis and options, has produced a document which is intended to serve as a catalyst for discussion and response.



MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
Ontario
August 1983

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EXECUTIVE SUMMARY OF OPTIONS

People do not understand who is responsible for what in our complex metropolitan federation. In addition, it is important that a system be available which enables politicians in Metropolitan Toronto to devote more time to Metro-wide issues.

In February, 1986, the Minister of Municipal Affairs, The Honourable Bernard Grandmaître, established a Task Force composed of municipal staff representatives from Metropolitan Toronto and each of its member municipalities to address these concerns. Specifically, the Task Force was to assist the province in examining the issues of representation, accountability and responsiveness in the Municipality of Metropolitan Toronto. Eric Fleming, of the Ministry of Municipal Affairs, chaired the Task Force.

It was not the responsibility of the Task Force to present recommendations.

Chapter One: Introduction

The Task Force was directed to set out a range of options and an analysis of the following topics:

- selection of Metropolitan Council
- selection of Metro Chairman
- electoral boundaries
- size of council
- executive committees
- council relationship to boards and commissions

The method of election of council and the choice of Chairman are issues that are inextricably tied to one another. They are key to the arrangements for governing Metropolitan Toronto. The relationships established between these two have important implications for the options analyzed under the other topics.

The prime criteria for evaluating the various options were accountability, representation and the nature of the relationship between the Metropolitan Toronto government and the area municipalities. Accountability concerns the relationship between the electors and the elected and the ability to hold those in office responsible for their actions. Representation involves a few acting on behalf of many, to respond to their needs and preferences. Two facets of representation are equality and appropriateness. The nature of the relationship is concerned with the manner in which two levels of government interact.

The summaries that follow for each chapter do not attempt to capture the analysis which is contained in the report but simply set out the options reviewed with a brief comment on each.

Chapter Two: Council Systems

The Task Force considered three methods of council selection in addition to the status quo. They reviewed and examined each in terms of the criteria for evaluation.

The Task Force recognized a wide number of variations in possible electoral arrangements for the municipal federation in Metropolitan Toronto. Despite the strictures on recommendations the Task Force confined its analysis to the three most practical alternatives.

Direct election envisages a Metropolitan Council composed of directly elected members whose responsibilities would be confined to the service of the Metropolitan Council and to Metro issues. Area councils would be composed of members elected to serve those councils only and would deal with local issues.

The second alternative examined, direct election plus the mayors, is identical to the direct election alternative but with the addition of the mayors of each area municipality. The mayors would provide linkages between Metro Council and the area municipal councils.

The third alternative, joint seats, envisages a Metropolitan Council composed of councillors elected jointly to area council and Metropolitan Council. Thus, candidates specifically elected as Metropolitan Councillors also serve on area municipal councils. This is similar to the system which now exists in the City of Toronto.

Chapter Three: Office of Metro Chairman

Unlike council representation where three alternative methods were selected for examination, there are only two possible methods of choosing a Chairman for the Metropolitan Council in addition to the status quo.

One is selection from the Metropolitan Council and retaining an elected seat. Thus the Chairman would sit on council as an elected member representing a ward or a municipality.

The other option is to have at-large election of the Chairman. Any qualified elector could seek the office of Chairman. Candidates would run for election to the office of Chairman across the whole of Metropolitan Toronto to serve a constituency of over two million people.

Chapter Four: Electoral Boundaries

Certain options for council selection raise the question of an adjustment of electoral boundaries. If either direct election option for the selection of council were chosen the possibility of electoral boundaries crossing area municipal boundaries would arise. It does so because the membership of the two councils would be

separate. The present system and joint seats, by their nature, would not raise this issue. All alternative methods of election of Metro council provide the possibility of election at-large.

Joint-seat election applied on a ward basis would require some re-organization of area municipal electoral boundaries in all area municipalities with the exception of the City of Toronto.

Chapter Five: Size of the Metropolitan Council

Since 1953, Metropolitan Council size has expanded on three occasions from the original twenty-four members to the current total of thirty-nine (not including the Chairman).

The Task Force examined a number of council sizes, both larger and smaller, to determine the effect on representation.

For the purposes of illustration three examples were selected:

- Council size forty-three; one representative for each 50,000 people.
- Council size twenty-eight; one representative for each 75,000 people.
- Council size twenty-two; one representative for each 100,000 people.

Chapter Six: Metro's Executive Committee

The Task Force considered two models for the establishment of an executive committee in addition to the status quo.

One alternative would be to have the executive committee selected by the Chairman. It could be required by statute that all municipalities be represented on the executive or the statute could simply direct the size of the executive committee.

An executive committee chosen by council could again, by statute, require representation of each municipality. Or again, council could simply be directed as to the size of the executive.

The possibility of having chairmen of committees included on the executive was raised.

The issue of whether the Chairman or the council has this authority is an important consideration in any debate about the relative roles of council and Chairman. Obviously a Chairman with the authority to select his own executive would be able to exercise a much greater influence than otherwise.

Chapter Seven: Relationship of the Metropolitan Council to Boards and Commissions

Boards and Commissions have jurisdiction over major public services and expenditures. The Task Force has assumed that local special purpose bodies would continue to exist, and that any changes that occur would be in their relationship with Council.

Two alternatives for relationships between special purpose bodies and Metropolitan Council have been developed. One would see Council have greater control while the other would give special purpose bodies even greater independence. Greater council control could be achieved through such things as increased policy and budget control. Greater independence of boards and commissions would secure them as separate and additional levels of government.

Chapter Eight: Implications of the Options for Composition of Metropolitan Government

While concentrating on ways to improve representation and accountability in Metropolitan Toronto, the report considers the possible impact on area councils.

If there were a separation of membership of Metropolitan from area councils there would no longer be a requirement to serve both councils. Such a division of responsibility and workload would open up the possibility of considering a reduction in the size of councils. Other matters examined included the office of mayor; boards of control and boards and commissions. The adoption of certain options for election of Metropolitan Council may provide an opportunity for review of the function and status of boards of control. Similarly, area councils may take the opportunity to review their relationship to boards and commissions.

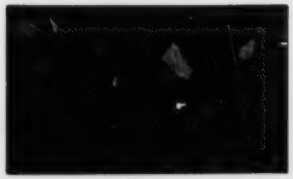
Chapter Nine: Options for Composition of Metro Government

The final chapter considers the relationship between the two central topics, the Council System and the office of Chairman. It summarizes Chapters Two and Three and develops four cases for the composition of the Metropolitan government in its two most fundamental and pivotal components. Each of these cases, based on the options for the selection of council, is analysed in conjunction with the three methods for the selection of Chairman and the implications stated. The options in combination are described in the accompanying illustration.

The objective of the analysis undertaken by the Task Force is to stimulate and focus public debate on these important matters of representation and accountability in the governing of Metropolitan Toronto.

OPTIONS FOR GOVERNMENT
OF METROPOLITAN TORONTO

CASE A



or

SELECTION OF CHAIRMAN FROM COUNCIL

retain seat

or

AT-LARGE ELECTION OF CHAIRMAN

CASE C

or

SELECTION OF CHAIRMAN FROM COUNCIL

retain seat

or

AT-LARGE ELECTION OF CHAIRMAN

CASE B

or

SELECTION OF CHAIRMAN FROM COUNCIL

retain seat

or

AT-LARGE ELECTION OF CHAIRMAN

CASE D

D

METRO COUNCIL

JOINT METRO/AREA SEATS

or

SELECTION OF CHAIRMAN FROM COUNCIL

retain seat

or

AT-LARGE ELECTION OF CHAIRMAN

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CHAPTER ONE

INTRODUCTION

Metro Toronto government has been subject to change and evolution since its inception in 1953. Numerous studies have been commissioned which have recommended a wide range of reforms, many of which have been implemented. The ability to change in a changing environment has been a major feature in Metropolitan Toronto's government. This continuing evolution, however, has not been as evident over the last ten years, thus creating a need to examine the organizational arrangements to meet the demands of the coming years.

Metropolitan Toronto is a fiscally sound community enriched by a colourful and durable fabric of cosmopolitan diversity. Within Canada, it ranks as the country's largest municipality and is a centre for finance, commerce, transportation, culture, the arts, medicine and science. On the international scene, Metropolitan Toronto is increasingly viewed as a leading world centre. By almost any measurement, Metro's standards of performance are high.

Metropolitan Toronto has an economy which is the size of many Canadian provinces. Metropolitan Toronto Council has an annual budget of approximately $2 billion. Yet Metro is a place which, in large part, has achieved big-city status without losing track of small-town values and civility.

The local government federation has served the Metropolitan Toronto area well. Several features of the governmental structure have contributed to this, including its mixture of metropolitan and area municipal concerns which minimize the conflict and competition among the federation's members. On the other hand, however, while Metro government has only two levels, it has now arrived at a point of having many layers of meetings, memoranda, tasks, responsibilities, relationships and general volumes of work not envisaged when the Metro form of government was created.

One must consider if it is now time to provide an organization that can give undivided attention to major Metro issues: for example, the daunting problem of equity in the assessment base; the complex and crucial decisions concerning transportation as reflected in Network 2011: Final Report (Metro Toronto Planning Department and Toronto Transit Commission); the growing need and importance of effective and appropriate social service programs; and the expensive yet necessary attack on a range of environmental and health issues. Politicians, by the very nature of their job, must address competing claims and make difficult choices in setting priorities, in saying yes to some and no to others. Clear accountability and action in these matters can have an essential cause-and-effect relationship.

In dealing with these issues, should Metro councillors be accountable to their municipal councils, or directly accountable to the electorate for their decisions?

In short, does the Metropolitan Council have the kind of organizational structure for dealing effectively with major issues of the future? Can there be clear accountability for the choices and priorities made in dealing with those issues?

It was out of concern for these kinds of issues that the Minister of Municipal Affairs, the Honourable Bernard Grandmaître, in February 1986, announced his intention to set up a Task Force to concentrate on and review the representation and accountability aspects of the Metro organization. The Minister recognized that the debate on how Metro government is organized in terms of responsiveness and political accountability is growing - a concern to which the province must be sensitive. The Minister agreed to increasing the size of Metropolitan Council in the present circumstances to redress an imbalance in representation by population. However, the Minister has made it clear that, in his view, simply adding representatives falls short of addressing the more fundamental concerns of giving each resident a clearer understanding and a more direct say in who represents him or her, and in what capacity. The Minister also expressed concern, from his own experience, about the apparent remoteness of the regional level of government.

In announcing the study, the Honourable Bernard Grandmaître said that "this Task Force is being formed because the government is concerned that issues of accountability and responsiveness in such a complex and important organization as the Municipality of Metropolitan Toronto must be addressed."

The Task Force was formed to prepare a report in order to assist the government in identifying who is responsible for what, to determine where the power to act is located, and to outline options to deal effectively with major issues that touch the lives of Metro residents.

Accordingly, the review concentrates on matters relating to accountability and the composition of council, including relationships with Metro boards. The topics in this report include:

- selection of Metropolitan Council
- selection of Metro Chairman
- electoral boundaries
- size of council
- executive committees/committees of council
- council relationship to boards and commissions.

The Task Force was charged with the responsibility of identifying under each of these topics a range of possible alternatives to enhance accountability and representation. Clearly, it was not the Task Force's job to make recommendations, nor would it be appropriate to ask staff of the various municipalities to take policy positions. Rather, the members were called upon to bring their knowledge and experience to bear upon an analysis of the options.

The analysis contained in this report is intended to assist the politicians to focus on the options and in turn aid them in their decision-making. The responsibility for adopting and implementing particular changes will ultimately be determined by the provincial government after receiving the views of the Metropolitan and area councils.

In commenting on the work of the Task Force, the Minister said that he understands that "this is a large undertaking but a very important one. I know all Metro-area politicians will take a great interest in the Task Force."

This observation is reinforced by the fact that Metropolitan Council had undertaken an examination of its own organization with the creation, in October 1984, of the Task Force on Functional Relationships of the Council, Committees, Boards and Commissions. This Metropolitan Council task force was charged with the responsibility of reviewing Metro Council's relationships with its committees, boards and commissions and was asked to determine:

- the effectiveness of the reporting relationships and procedures;
- the capacity to respond to changing requirements;
- the ability to provide information which is of benefit to other committees or boards and commissions;
- the ability to formulate policies and priorities;
- the ability to monitor and control policy implementation effectively.

It was further asked to look at any other matters that appeared appropriate and relevant, one of which was to "consider and report on the accountability of Boards and Commissions to the Metropolitan Council."

The concerns expressed by the Minister and by the Metro Council have also been reiterated by Metro politicians and reflected in Toronto's newspapers, as these following examples show.

> Metro has reached such a size and level of responsibility that we can no longer afford to have part-time council members; ... there must be a spreading out of the power to Council members who will devote full time to Metro policy making.
>
> **East York Mayor David Johnson;**
> **Globe and Mail - July 1984**

> It's (Metro) now viewed as an invisible unknown government and yet it deals with the high-profile, expansive areas like police, public transit, welfare and public housing.
>
> **Toronto Alderman Jack Layton**
> **Globe and Mail - July 1985**

> "Nobody's going to be elected on Metro issues." .... "Getting streets fixed and making sure some guy's next-door neighbour cuts his grass - those things get politicians elected."
>
> **Toronto Alderman Tony O'Donohue**
> **Toronto Sun - August 1985**

The concern that there is not a clear understanding of and accountability in Metro government has also been evident in editorials.

> For most Metro residents, one of life's great mysteries is just how this city is run.... There are five cities and a borough knit in a regional government called Metro Toronto. That's clear enough but confusion arises over who's responsible for what. An example? Metro prepares the water and sells it to the cities which sell it to you. Metro's also the main operator in handling the sewage afterwards. So whom do you call at 3 a.m. when the sewer backs up? Metro? Wrong.
>
> **Toronto Sun Editorial - August 1985**

> In Metro, there's one level of government the voters won't be electing this year even though it's one that spends more than $1 billion of taxpayers' money each year and whose actions touch the lives of us all. That level of government is Metro Council.... This absence of democracy in Metro deserves to be an issue in the provincial election campaign because it is provincial legislation that denies citizens the right to elect the members of Metro Council.... Thus the Metro Chairman -- the single most powerful politician in Ontario after the premier -- isn't elected even indirectly ... he (the Chairman) isn't accountable to the voters at all because he's appointed by the council members instead of being elected by the citizens.
>
> **Toronto Star Editorial - April 1985**

Before embarking on the various aspects of the review it is important not to confuse the apparent criticisms of the system or process with the dedication of the practitioners. The decisions made at Metro often appear to be compromises between the aspirations of constituent municipalities, but in a very real sense this is the essence of federation as the member municipalities work toward viable solutions. The members therefore are forced to divide their time and loyalties between a number of different claims and constituencies.

Through the course of the Task Force's review of Metro Toronto it has been working with a set of criteria to evaluate the various options that were being considered. The prime criteria were accountability, representation and the relationship between the Metro government and the governments of area municipalities. Measuring representation and accountability, however, is a qualitative rather than quantitative analysis. In the analysis of the various possible institutional elements of representation and accountability and the attendant pros and cons there is a considerable element of judgment. Even having said that, it is important that some general description of each of the criteria be stated as a benchmark.

Accountability

Accountability concerns the relationship between the electors and the elected and the ability to hold those in office responsible for their actions. It is based upon a simple and direct process by which electors can express their discontent with or approval of those who govern in their name. This accountability for action must be both clear and regular.

Accountability has two parts. First, the public must be able to understand government structures and responsibilities: that is, who does what. Secondly, the representatives must be able to influence those decisions for which they are responsible.

In an organization devoted to policy-making for a wide range of services and issues there are, of course, many competing claims between and among perceived needs. An important aspect of accountability, then, is to be able to identify the priorities, the choices made and who made them.

If authority and responsibility are diffused and lack focus it follows that accountability will also be diffused and lack focus.

Representation

The concept of representation involves a few acting on behalf of many. Electors select from amongst themselves those who will represent them. Representatives must act on behalf of all residents within their jurisdiction and must take account of the needs and concerns of those whom they represent. It follows then that throughout their term of office, the elected must be accessible to, and aware of the wishes of, their constituents.

The two facets of representation are: equality and appropriateness. Equality of representation means that each elected representative represents the same number of people in each constituency. This is referred to as representation by population, or alternatively, one person/one vote. Appropriateness of representation refers to the ability of the representative to reflect the community as a whole.

Nature of the Relationship

The nature of the relationship involves the formal and informal ways that Metropolitan Council and area councils interact and are related. The composition of these councils and the degree of co-operation and co-ordination achieved define that relationship. There are of course other relationships involving the Metropolitan Council such as the executive committee and boards and commissions. The composition and authority of these bodies will also have an impact on the nature of the relationship.

How the Task Force Proceeded

Chapters Two through Seven provide an analysis of the topics upon which the Task Force focused. These address alternatives to the present method of selecting Metropolitan Council, selecting its Chairman and executive committee, its relationship to boards and commissions, the size of Metropolitan Council, and the electoral boundaries. Chapter Eight examines the implications for area councils of the options for the composition of metropolitan government.

While the Task Force did study the various topics initially in isolation, they were aware that all the topics are necessarily intertwined in a government system. A change in any one of the component parts will have an impact on the others. This is true, for instance, in respect of the election of council and the method of selection of Chairman where one is inextricably tied to the other.

To avoid the confusion of attempting to make an analysis of all the combinations under all the topics, Chapter Nine was developed. The analysis was confined to the two key components of the composition of Metropolitan Toronto Council - the council system and the office of Chairman. Decisions must be made with respect to those two components before dealing with the subsidiary elements of executive committee and boards and commissions. A depiction and detailed analysis of the possible combinations of council systems and office of Chairman are set out in Chapter Nine.

By offering the key elements, that is, council systems and options for the office of Chairman together, a guide will have been provided for carrying on the combining of options under executive committee and boards and commissions.

This is intended to enable those concerned with the future governmental organization in Metropolitan Toronto to determine the composition of metropolitan government that most closely matches his or her ideas for improving Metropolitan Toronto in terms of representation and accountability.

CHAPTER TWO

COUNCIL SYSTEMS

Introduction

The method of election to the Metropolitan Council has important consequences for the nature of the council itself. It is a logical starting point for considering the possibilities both of improving representational arrangements in Metro and of making Metropolitan Council more accountable to the public in the discharge of its responsibilities. The Task Force considered four methods of council selection: indirect, direct, direct plus mayors, and joint-seat election.

The Metropolitan Council is the legislative body of the Metropolitan Corporation and currently has thirty-nine members plus the chairman. It sets policy directions for and provides guidance to the corporation staff on matters for which Metro is responsible. In so doing, its members represent and should be responsible or accountable to the electorate for their actions.

The functions for which Metropolitan Toronto Council is solely responsible are: police, social services, public transportation, solid waste disposal and capital borrowing. Responsibility is divided between Metro and area municipalities for emergency planning, libraries, parks, roads and traffic, sewerage and sewage treatment, water, industrial promotion, licensing and land-use planning. Table 2-A illustrates this division of functions and shows the functions for which area municipalities are solely responsible.

Criteria for Evaluation

ACCOUNTABILITY

In applying the criterion of accountability to each council system, the Task Force used the following questions as its framework:

- Would the electorate have a clear understanding of how their representatives are elected?
- Would they understand the responsibilities, roles and functions of those representatives?
- Would the public be able to distinguish between Metro and local concerns?
- Would the primary accountability of the politician be to the area council or to the electorate?
- Would the Metro councillor be responsible for Metro issues exclusively?

- Would the politicians be able to influence those decisions for which they are responsible?

REPRESENTATION

The criterion of representation was assessed on the basis of responses to the following questions:

- Would the principle of one person/one vote be achieved?
- What are the implications for the role of the representative in each form of election process?
- Would the workload of the representatives be increased or decreased?
- What would be the basis of election: ward or at-large? What would be the size of a constituency?

RELATIONSHIP BETWEEN METRO AND AREA COUNCILS

The Task Force also included an analysis of the type of relationship that could possibly emerge under each system. Questions included:

- Would the nature of Metro's federation be changed?
- How would co-operation and co-ordination between Metro and the area municipalities be affected?

Models

A. INDIRECT ELECTION (STATUS QUO)

This method of election is summarized as follows:

- Mayors and members of boards of control serve on the Metropolitan Council. They are elected to their area council and serve on the Metropolitan Council by virtue of their election to office at the local level.
- City of Toronto representatives who have been elected as Metropolitan councillors serve on Metropolitan Council. They also serve on the City of Toronto Council.
- The balance of membership at the Metropolitan Council is selected by area councils from amongst their own members.

TABLE 2-A

MUNICIPALITY OF METROPOLITAN TORONTO

DIVISION OF FUNCTIONS BY TIER

	RESPONSIBILITY		
FUNCTION:	METRO	DIVIDED	AREA
Police	X		
Fire			X
Emergency Planning		X	
Health			X
Social Services	X		
Libraries		X	
Parks		X	
Recreation and Community Centres			X
Public Transportation	X		
Roads and Traffic		X	
Sewerage and Sewage Treatment		X	
Water		X	
Solid Waste Disposal	X		
Garbage Collection			X
Municipal Hydro-Electric Service			X
Industrial Promotion		X	
Industrial Land Acquisition			X
Licensing		X	
Capital Borrowing	X		
Tax Collection			X
Planning		X	

The Municipality of Metropolitan Toronto Act, section 5, currently entitles area municipalities to the following membership on Metropolitan Council:

Borough of East York - two members

City of Etobicoke - five members

City of North York - ten members

City of Scarborough - seven members

City of Toronto - twelve members

City of York - three members

Chairman

In each municipality, the head of council serves on the Metropolitan Council. In the cities of Etobicoke and York, the mayors and all members of the boards of control serve on the Metropolitan Council, providing a close facsimile to joint-seat election. However, when an additional member is legislated for the City of Etobicoke, the additional Metro representative will have to be appointed by the Etobicoke City Council from among its aldermen. This is already the case in the cities of Scarborough and North York, where the number of Metro representatives is greater than the mayor and controllers. In the Borough of East York, which does not have a board of control, the second Metro representative is appointed by council from amongst its own number. Table 2-B summarizes the situation in Metro.

The Municipality of Metropolitan Toronto Act was amended in June 1985 to enable the electorate in the City of Toronto to elect City aldermen, who serve on the City of Toronto Council only and Metropolitan councillors who serve at both Metropolitan and City councils.

Accountability

Under the current system, all Metropolitan councillors, except the Chairman, come from and serve on area councils. This ensures that Metro representatives are aware of and include local concerns in decisions made by the Metropolitan Council. However, views of area councils are not necessarily reflected in the Metropolitan council, as representatives may vote in different ways at different councils on the same issue.

The current system provides strong lines of communication between Metro and area councils. This advantage, however, is counterbalanced by the fact that Metropolitan councillors are not directly accountable to a body of electors. Instead, Metropolitan councillors serve as a result of election to an area council post (six mayors, fourteen controllers) or are chosen by their peers on area council (eight aldermen). The primary accountability of controllers and mayors is to the municipal-wide constituency that elected them to their local office. On the other hand, the fact that many aldermen must lobby their peers to gain appointment to the Metropolitan Council makes them primarily accountable to the council of the area municipality. Such representatives, with the exception of the eleven Metropolitan councillors from the City of Toronto, have not been elected by the voters to sit on the Metropolitan Council.

TABLE 2-B

MUNICIPALITY OF METROPOLITAN TORONTO
CURRENT METROPOLITAN REPRESENTATION

Municipality	Composition of Area Councils	Method of Choosing Metro Representation
Etobicoke	. mayor . 4-member board of control (at large) . 10 members (5 wards) (double-member wards)	. head of council . 4-member board of control (indirect)
North York	. mayor . 4-member board of control (at large) . 14 members (14 wards) (single-member wards)	. head of council . 4-member board of control (indirect) . 5 metro councillors (appointed by council, indirect)
Scarborough	. mayor . 4-member board of control (at large) . 14 members (14 wards) (single-member wards)	. head of council . 4-member board of control (indirect) . 2 metro councillors (appointed by council, indirect)
Toronto	. mayor . 22 members (11 double-member wards: one member serves on both councils; one member serves on area council only*)	. head of council . 11 members (double direct)
York	. mayor . 2-member board of control (at large) . 8 members (8 wards) (single-member wards)	. head of council . 2-member board of control (indirect)
East York	. mayor . 8 members (4 wards) (double-member wards)	. head of council . 1 metro councillor (appointed by council, indirect)
		39 Metro councillors (excluding chairman)

* Metro councillor and local alderman are differentiated on the ballot. This change was made through an amendment to the Municipality of Metropolitan Toronto Act, which was passed in July 1985.

The inconsistency in this method of election causes confusion in voters' minds as to who serves on Metropolitan Council and what issues Metro decides upon. In view of this, the absence of Metro issues from election campaigns is understandable. In addition, this model may make it difficult for the electorate to know who should be held accountable for what at election time. It follows from this that accountability for Metro issues suffers and councillors are not dependent for their political success on those issues.

Representation

The implications of the current system on the quality of representation are of concern, especially in terms of competing claims on Metropolitan councillors' time. In addition to serving on two councils and the concomitant sets of boards and committees, many councillors also serve on two executive committees. These multiple roles, responsibilities and travelling time have an impact on the efficient use of available time, with the result that both Metro and area government may suffer. Added to this is the work of not one, but two constituencies. Since representatives are elected at the local level, area issues may take priority. Given these circumstances, the Chairman, as the only full-time Metropolitan Council member, may be the only member able to devote sufficient attention to Metro issues.

The present system does not facilitate equitable representation in terms of both one person/one vote and size of constituency.

An advantage, however, is that the dual representative is aware of both area municipal and Metro concerns and is able to use this knowledge and these perspectives to serve both councils.

The Relationship between Metropolitan and Area Councils

When Metropolitan Toronto was created more than thirty years ago, a primary concern was to create a federation that could arrive at decisions benefitting the metropolitan area as a whole. While the potential for such decision-making still exists, it is not uncommon for a Metro perspective to be sacrificed to local interests or parochial concerns. In some cases, the result is an inability to reach decisions on some of the most fundamental issues affecting the Metropolitan federation. In other cases, decisions are reached only as a result of a protracted and often painful process of discussion and negotiation.

The present system provides for linkage of the two councils. Members of the Metropolitan Council are informed on Metro issues and aware of the overall view. They can impart such knowledge to their colleagues on the area councils. Conversely, they can bring the local perspective to Metropolitan Council. This link has the potential for reducing conflict between the Metro and area councils and for fostering formal and informal consultation on Metro issues between the two levels.

Appointees may be vulnerable to municipal peer pressure on certain Metro-wide issues and may take a local position on these issues. There is a certain tension missing in the arrangements that would demand attention to and accountability for Metro issues on behalf of the Metropolitan council members.

B. DIRECT ELECTION TO THE METROPOLITAN COUNCIL

The model of direct election to the Metropolitan Council assumes the following:

- Elected representatives would serve exclusively on the Metropolitan Council.
- Mayors and area councillors, including members of boards of control, would not serve on Metropolitan Council.
- The election of Metropolitan councillors would be independent of arrangements for the election and composition of area councils.

Accountability

In this method of election, representatives would be elected directly to and serve exclusively on the Metropolitan Council. The electorate would be able to differentiate clearly between who was serving on Metro and who was serving on the area council. This, in turn, would assist in clarifying what each council is responsible for.

Election campaigns would be contested on Metro issues for Metro politicians and on local issues for those seeking to serve locally. The blurring of these issues which may occur now would be minimized, if not eliminated. It would be clear to the voter which representative should be called to account for decisions made on their behalf at Metro Council.

In addition, the accountability of the Metro politician would be to the electorate and not to the area council.

Representation

The direct election model permits a clear relationship between the act of voting and the representatives elected, unlike the status quo where area councils select eight of the thirty-nine members. It achieves the principle of one person/one vote.

Using this model, the electoral process at both levels would be simplified.

Direct election to the Metropolitan Council could enable councillors to focus their efforts on the issues that are the responsibility of that particular council. This should result in greater concentration on policy-making and priority-setting in regard to Metro issues, as well as greater participation in the activities of local boards. At Metropolitan Council, emerging concerns, such as the necessity for effective mechanisms for inter-regional co-ordination, would receive more attention. The requirement to serve area and Metropolitan councils at the same time, would be eliminated. More time would be available for constituents, consequently improving representation.

The Relationship between the Metropolitan Council and Area Councils

The nature of government in Metropolitan Toronto would change dramatically. It would not be a federation of local councils' representatives. Rather, the representatives would be elected from Metro constituencies or wards, not from area councils.

At present, all thirty-nine Metropolitan councillors must allocate their time between two councils. By having representatives directly elected to and serving exclusively on Metropolitan Council, the amount of time available for Metro matters would increase. A stronger Metropolitan Council should result. However, there is the potential that competition and conflict between Metro and area councils would be increased, as dual memberships would no longer exist. The lack of formal linkages also has the potential to weaken the co-operation and co-ordination which at present exists on Metropolitan Council and make it a target for area councils' criticism.

The absence of dual membership would, however, free Metropolitan councillors from the pressure of direction by colleagues on area councils. Metropolitan councillors would be able to give more time to what was best in the Metro-wide interest. A substantial reduction in the number of members on Metropolitan Council could be achieved under these circumstances.

C. DIRECT ELECTION PLUS THE MAYORS

This model assumes the following:

- Councillors would be elected to serve exclusively on the Metropolitan Council.
- Local mayors would also serve on the Metropolitan Council.

With some exceptions, the considerations given this option were similar to those of the direct election model.

Accountability

Direct election to council plus the mayors would have a number of positive benefits for accountability. For those councillors who are directly elected, their area of jurisdiction is clear and hence accountability for their actions is enhanced. At election time, Metro-wide issues would likely be differentiated and debated separately from local issues. A Metro perspective could result and parochialism would be reduced.

The mayors would continue to serve the Metropolitan Council by virtue of their local office and would be the only representatives from their area council. It is fair to assume that the mayors would be primarily accountable to their electorate. This is the basis for their election both to the area council and to Metro. There is, however, a measure of accountability to the area council as well, since the mayors can be called upon to account for actions taken at Metropolitan Council. It is recognized that mayors would be elected on local issues, but that is balanced by the linkage to the Metropolitan Council provided in this option. At present, it is not unknown for mayors to present views at variance with those expressed by their councils via resolution.

Direct election plus mayors thus provides for clear accountability of the representative to the electorate while affording some accountability to the area council. However, in this latter respect the relationship between councils by virtue of the mayors' presence is more important.

Representation

Using this model, the electoral process at both levels would be simplified.

Mayors would retain their dual role and they would continue to act as a link for area councils at the Metropolitan Council. Their workload would be undiminished and might, in fact, increase as they would be the only representatives from their area council on Metro. The directly elected Metro representatives would be able to devote their full attention to Metro concerns.

Representation by population would be distorted by the automatic election of mayors to the Metropolitan Council. This is dealt with in detail in Chapter Five, Size of Metropolitan Council.

The Relationship between the Metropolitan Council and Area Councils

The only formal linkages between the area councils and Metropolitan Council would be the mayors. The continued existence of such linkages would facilitate understanding between area councils and Metro, while providing a formal arrangement for local views to be made known. This would tend to minimize the disruption that the severing of all connections could bring, and would blunt the perception of Metro as totally separate from the area municipalities.

The majority of representatives on Metro would be elected directly from a local constituency and serve the Metro-wide interest. The mayors could still bring the perspective of their area council or local interests on Metro subjects into debates at Metropolitan Council, but through the practice of co-operation and consensus-building the Metro-wide interest would predominate.

D. JOINT SEAT (DOUBLE DIRECT)

This model is based on the following assumptions:

- Mayors would serve on the Metropolitan Council as well as on area councils.
- All Metropolitan Councillors would be elected to serve simultaneously on both area and Metropolitan Councils.
- The members of area council executive committees (boards of control) would no longer serve on the Metropolitan Council.

The joint-seat model was implemented in the City of Toronto in 1985. Prior to that time, two aldermen were elected from each City of Toronto ward, and the candidate in each ward polling the most votes served on both the Metro and city councils. The alderman running second served only on city council.

This system was criticized as confusing, because it was impossible for the elector to specify his or her preference for Metropolitan Council representative. Further criticism was directed at a system in which some electors voted for only one candidate instead of two, to give their preferred candidate an advantage.

The City of Toronto Council was supported by the Metropolitan Council in its request to implement a system that enabled candidates to run for a seat on Metropolitan Council.

The Municipality of Metropolitan Toronto Act was amended in July 1985 to provide for:

- a city alderman to be elected for each ward, who is not to be a member of the Metropolitan Council; and

- a Metropolitan councillor to be elected for each ward, who is to be a member of both the Metro and city councils, but who is not eligible to be a member of the executive committee of the City of Toronto.

These changes took effect for the 1985 municipal elections and were implemented with minimum disruption. (The composition of the executive committee was also changed and is discussed in Chapter Six.)

The new system separated what was previously one electoral contest into two. The size of City Council remained unchanged at twenty-three (i.e., the mayor, eleven city aldermen and eleven Metropolitan councillors), and twelve serving on the Metropolitan Council.

Accountability

Joint-seat election of Metropolitan councillors provides a focus for electors and candidates interested in Metro issues. In the City of Toronto case with two representatives in each ward, the representatives are able to specialize in local or Metro issues, depending on their mandate, thus increasing their personal accountability to the voters in that ward.

The electoral contests for city aldermen and Metropolitan councillors are differentiated, and any perceived need for staggered elections is eliminated. In addition, local aldermen are able to play a greater role in city affairs. The joint-seat representatives are accountable to the area municipal constituency for their handling of both Metro and area municipal issues. The predominance of area municipal issues in election campaigns will continue.

Representation

There are some advantages in having the representative intimately aware of the concerns and questions facing both Metropolitan Council and

the area council. The representative is more sensitized to issues of general concern in the Metro area and can use this to the benefit of area council debates. Conversely, a councillor who is knowledgeable on local concerns can introduce that knowledge into the debates at Metropolitan Council.

However, some disadvantages are apparent. The dual nature of representation prevents a voter from sending representatives exclusively to Metropolitan Council, and results in continued confusion in the voter's mind over who does what. Competition over local issues is not eliminated. The perception exists that the representative has been elected as a Metro councillor and will be able to spend a great deal of time on Metro issues. In fact, considerable time must also be devoted to keeping abreast of local concerns and developments.

The Relationship between the Metropolitan Council and Area Councils

Under the joint-seat model the nature of the relationship between Metro and area councils would remain similar to that which exists under the indirect election - status quo system.

Metropolitan government would continue to be a federation of member municipalities. It would, however, be comprised of individuals elected expressly to serve Metropolitan Council, although they would not serve there exclusively.

Every member on Metropolitan Council, with the exception of the Chairman, would provide a link to the area council and help to keep open the lines of communication to that council. Whether linkage is the most important element in Metropolitan government is open to question.

CHAPTER THREE

THE OFFICE OF METRO CHAIRMAN

Introduction

Any change in the present Metropolitan Council system may have a direct impact on the method of selection of Metro Chairman. This office is central to a consideration of the representation and accountability of Metropolitan Council, as well as the management of the Metropolitan Corporation.

The Chairman is the head of the Metropolitan Council and the chief executive officer of the Metropolitan Corporation and currently the only member who can devote full time to the affairs of the Metropolitan Council. The Chairman's four main duties as prescribed by legislation are:

- to preside over Metropolitan Council and Metro executive meetings;
- to vote on Metro executive committee and on other standing committees;
- to cast the tie-breaking vote in the Metropolitan Council; and,
- to serve as the chief executive officer of the Metropolitan Corporation.

These duties or powers, as head of Metropolitan Council and chief executive officer, would of themselves make the position of Chairman extremely important. In addition, the Chairman has pivotal roles not specified by statute: an administrative role, a political leadership/brokerage role and a spokesman role in intergovernmental affairs.

The Chairman is able to devote undivided attention to Metro affairs, thereby providing the pivotal link between council and the administration of the Metropolitan Corporation. The Chairman sits on all standing committees and many boards and commissions; the Chairman's department is continually interacting with the department heads, members of area and Metro Councils, boards and commissions, and citizens. In short, the information passing through the Chairman's hands provides the knowledge to exercise considerable authority and leadership on Metropolitan Council.

The Municipality of Metropolitan Toronto Act does not set out, in explicit detail, a policy-making process at Metropolitan Council. No formal authority is designated for policy initiation or for consensus-building activities, nor is a formal link provided between the council and the administration of the Metropolitan Corporation. In practice, the exercise of these functions, historically, has rested with the Chairman. This political leadership role involves developing priorities, making policy decisions, developing consensus and piloting policies through council.

The Chairman is the centre of political power in Metropolitan Council acting through political skill, presence, familiarity with staff, access to information and the agenda of events coming before council and its committees.

The Chairman, as the head of council, is also expected to act as the spokesman for the Metropolitan Council on intergovernmental matters. This involves discussion with other regions, with the province and with the federal government.

Criteria for Evaluation

Task Force discussion of the selection of Metro Chairman revolved around a number of basic criteria:

ACCOUNTABILITY

- To whom should the Chairman be accountable?
- Does a method exist whereby an electorate can express their dissatisfaction with or approval of the Chairman?
- Is the Chairman the centre of political power?

REPRESENTATION

- Is the Chairman directly responsible to a public constituency?
- On whose behalf should the Chairman act: an area constituency, the entire population, or members of the Metropolitan Council?
- Who should be eligible to serve?

NATURE OF THE CHAIRMANSHIP

Would the role and authority of the Chairman be enhanced or diminished?

Models

A. APPOINTMENT BY COUNCIL (STATUS QUO)

The appointment of Metro Chairman is provided for by subsections 10(2) and 10(5) of the Municipality of Metropolitan Toronto Act. In summary, the act provides that:

- The Metropolitan Council chooses its chairman.
- Members of the Metropolitan Council are eligible, or "any other person" may be selected.
- The Chairman must resign area/Metro seat, if one is held and the vacancy must be filled.
- An incumbent Chairman is eligible for re-election.

Accountability

Under the present system, the Chairman is selected by the members of the Metropolitan Council and that office's primary accountability is clearly to council. While the accountability of the Chairman is clear, the question remains as to whether the position is perceived as being as responsive to the public as would be possible if the Chairman were elected by the public.

Under the current system, there is no direct electoral means by which the voter can express approval or otherwise of the Chairman. Once the appointment is made by council, the Chairman serves until the end of council's term.

Representation

The selection of the Chairman by the Metropolitan Council means that the Chairman has the confidence of a majority of council. This method of selection also means that the Chairman represents only members of Metropolitan Council.

At present the chairmanship is open to a member of council, the incumbent, or any other person. The legislation enabling persons not on council to become Chairman is seen by some to be undemocratic, as the electors would never have had an opportunity to express their opinion on the acceptability of the candidates. On January 22, 1985, Metropolitan Council voted to request the province to amend the Municipality of Metropolitan Toronto Act to "allow only the members of Council and the incumbent Chairman to stand for election for the office of Metropolitan Chairman." This differs significantly from the status quo. If an elected member of council is chosen Chairman, that member would be required to resign from both councils. Each time a new Chairman would be elected for the first time, a vacancy would have to be filled. An incumbent Chairman who failed to be re-elected by council would no longer be a member of council.

Any area municipal politician wishing to retain an area seat would thereby be excluded from serving as Metro Chairman. There is a body of opinion that this is reasonable in that the extent of duties and responsibilities of Metro Chairman preclude serving a local constituency in the situation where the rest of council must serve two councils and in other capacities as well.

Nature of the Chairmanship

The fact that the Chairman serves only Metropolitan Council allows undivided attention to Metro affairs.

Accountability only to council ensures that the Chairman is able to give full attention to exercising the responsibilities and representing the positions of council. In these circumstances the Chairman becomes the centre of political power.

The formal duties of the Chairman, as noted previously, do not completely reflect the responsibilities of the office.

B. SELECTION FROM METROPOLITAN COUNCIL (RETAINS SEAT)

This model assumes that:

- The Metropolitan Council would choose its Chairman from among its own number.
- Only members of Metropolitan Council would be eligible (the phrase "any other person" would be eliminated).
- The Chairman would retain an area/Metro seat.
- The incumbent would be required to win election to the Metropolitan Council in order to be eligible for election to the Metro chairmanship.

Accountability

Under this system the Chairman would be accountable to the Metropolitan Council. Selection by council would be a demonstration of the confidence in the Chairman held by council. This would enhance consensus-building within council. However, the Chairman would also be accountable to the constituency from which that member comes. This model would meet the criticism that the Chairman is not elected.

Representation

If the Chairman were to retain an area seat, in order to represent the constituents adequately it would be desirable for the Chairman to be able to vote on all issues. Otherwise, the Chairman's electorate might have difficulty determining or influencing the Chairman's views on different issues. At the same time, responsibility to represent local positions may introduce a tendency to parochialism which could undermine a Metro-wide perspective.

Requiring the Chairman to retain an area seat raises the issue of whether eligibility for Chairman should be extended to all members who are elected to the Metropolitan Council.

If certain Metropolitan councillors (e.g., mayors) were ineligible for the Chairmanship, their considerable seniority and experience would be eliminated from consideration. Since the provision of leadership to council is an important function, it may be undesirable to eliminate mayors. However, mayors in Metropolitan Toronto must give considerable time to that office, making it difficult if not impossible for them to occupy the position of head of council and Chairman at the same time. It may be undesirable, in principle, for one person to serve as chief spokesman for two councils. If there were differences between the two councils, someone acting in such a dual capacity could be placed in a difficult position.

The difficulty faced by a Chairman who represents a constituency is worth noting. The Chairman might find it difficult to balance the views of the electorate with the views of council - particularly when the views are at variance. While a comparison can be made with the heads of federal and provincial governments who retain their constituency seat, the Metro Chairman does not have the benefit of cabinet or caucus confidentiality or a party system within which to resolve these competing demands.

Nature of the Chairmanship

Under this model, the Chairman would still be the chief executive officer, but would be first among equals. However, the requirement to retain a local seat would require the Chairman to devote some time to constituency matters.

The Chairman would still be expected to guide the policy-making process as under the present method of selection. Consensus-building would remain of prime importance and would be enhanced since the Chairman has the confidence of council, council having made the selection.

C. AT-LARGE ELECTION

This model assumes that any qualified elector could be elected Chairman in an at-large contest across Metro.

Accountability

Under at-large election the Chairman would be directly accountable to the largest constituency in Canada and would not require the support of Metropolitan Council to hold office.

As a consequence, this model may build into the system conflict between the Chairman and council. It may be necessary to amend the Municipality of Metropolitan Toronto Act to specify by statute both the formal and informal powers currently exercised by the Chairman. It would also be necessary for the Chairman to participate in all council votes in order that the public could clearly determine the Chairman's position on policy issues.

Representation

On the surface, at-large election would appear to be the ultimate democratic process, achieving the one person/one vote principle of direct democracy and making the Chairman directly responsible to a public constituency.

It would be possible for any eligible elector to run for the office. However, with the exception of present politicians who might contest such an election, name recognition would be a major problem and extensive media coverage would be necessary to overcome this problem. This would be very costly. Furthermore, given the size and population of Metropolitan Toronto, the candidates may have to focus their campaigns on particular areas of Metro, which could result in their election by a particular municipality rather than across the entire metropolitan area.

To run such a campaign would be costly, which may prevent a number of well-qualified candidates from running. The issues of limits on municipal election expenses and requirements regarding disclosure and deductibility of campaign contributions are outside the terms of reference of this review. They have recently been considered by the Minister's Advisory Committee on Municipal Elections. The conclusions of that committee should be reviewed in the context of making changes to the method of selection of Chairman (see Appendix A).

Nature of the Chairmanship

With a Chairman elected at-large it may not be possible to retain the present nature of the Chairmanship. Under the present system the Chairman relies heavily on consensus-building to achieve council decisions. This can be done if the Chairman has the confidence of council. Under a system of at-large election where the Chairman does not necessarily have this confidence stalemate may develop.

Additional powers for the Chairman might need to be contemplated. Some examples include: the ability to appoint the Metro executive committee, the ability to appoint the Chairmen of the standing committees, the power to appoint and dismiss department heads, and some type of veto power (e.g., final, time-limited or referral back to council for further discussion and debate) of council decisions.

The Chairman under this model, depending on what method of council selection was chosen, might be the only member serving exclusively on the Metropolitan Council. In this case, the Chairman would have not only the largest electoral constituency base in the country but also the same pivotal role within council and the Metropolitan Corporation as exists under the present system. The political presence, both across the metropolitan area and in the intergovernmental arena, would be unparalleled.

CHAPTER FOUR

ELECTORAL BOUNDARIES

Introduction

An important element of representation is the kind of electoral boundaries that can be adopted for council systems that are an alternative to the status quo. Those examined were:

- Metro wards contained within area municipal boundaries;
- Metro wards crossing area municipal boundaries;
- at-large election within area municipal boundaries.

Illustrations follow that describe how the various electoral boundaries mentioned might appear under direct election (with or without the mayors) and joint seats.

If changes to electoral boundaries are to be implemented the Ontario Municipal Board, or some other special panel, would be required to adjudicate the application of any particular set of boundary arrangements believed to be desirable.

A. DIRECT ELECTION

Under direct election to the Metropolitan Council, either with or without mayors serving as well, three kinds of constituency for selecting Metropolitan councillors were examined.

(1) Metro Wards Contained Within Area Municipal Boundaries

Using this method, Metropolitan councillors would be elected from single-member wards, as equal in size as practical, and would not serve on area councils. Municipal boundaries would be respected and each municipality would contain the same number of Metro wards as its alloted number of Metro representatives. These wards could be contiguous with local wards, or formed by combining existing local wards, or polling subdivisions.

A single Metropolitan councillor per Metro ward and wards of near equality of population would reaffirm the one person/one vote principle.

There would also be continued recognition of local boundaries which would preserve the identification with area municipalities. In other words, this approach would help to retain the federal concept of Metro government. This could be reinforced by the presence of each mayor, were that option to be adopted.

On the other side, the respecting of area municipal boundaries would make precise equalization of representation by population difficult, as the various tables on representation in Chapter Five indicate. Representation by population would be further distorted by the inclusion of the mayors.

The continued recognition of area municipal boundaries in the electoral arrangements might foster the domination of local interests.

(2) Metro Wards Crossing Municipal Boundaries

This would provide for Metropolitan councillors elected from single-member wards of approximately equal size. Metropolitan councillors would serve only on the Metropolitan Council. Municipal boundaries would not be a factor and wards could encompass parts of two or more area municipalities.

The elimination of area municipal boundaries for Metro electoral purposes might increase the profile of Metro, resulting in a broader Metro perspective at the Metropolitan Council. Achieving a one person/one vote system would be facilitated.

On the negative side, the reduction of the local municipal voice at the Metro level might lead to conflict and rivalry between the area municipalities and Metro. This might be offset, however, if the direct election-plus-mayors method of council selection were adopted. From the voters' point of view, different boundaries could be confusing.

The identification of the directly elected Metro representatives with area municipalities would be obscured, resulting in diminished representation of area municipalities at Metro.

(3) At-Large Election of Metropolitan Councillors Within Area Municipalities

Using this method, Metropolitan councillors would be elected at-large by the electors of each municipality. Municipal boundaries would be respected. It is assumed that in a smaller Metropolitan Council, as discussed in Chapter Five, if the method of direct election plus mayors is employed, those municipalities that would be reduced to one representative by representation by population would be guaranteed two representatives, one an exclusively Metropolitan Council member, the other the mayor.

Each Metro representative elected at-large would represent the entire electorate of the area municipality - a strong mandate. Implementation of such a system would be relatively easy, as no wards would have to be constructed.

Such a system, however, would strengthen the representative's identification with a specific municipality and could continue to encourage parochialism. If mayors were on Metropolitan Council as well, that problem could be increased.

Accountability to the electorate would be confused due to the size of the constituency (the entire municipality) and the multiple numbers of representatives.

The cost of running an at-large election is high, and this variation would require many more candidates to run at-large. Limitations on campaign funds and contributions would have to be considered.

Although at-large election of Metropolitan councillors would appear to maximize the one person/one vote principle, it may be counter-productive if voters choose to vote for less than their allotted number of candidates.

B. JOINT-SEAT ELECTION

Under the option of a joint-seat election to both Metropolitan and the area council, three methods were examined. One option examined under direct election - Metro wards crossing municipal boundaries - is not possible under the joint-seat model since it would eliminate identification with an area municipality. A joint-seat election assumes a dual role for the incumbent.

(1) Joint Metro/Local Wards Within Municipal Boundaries

Using this method, councillors would be elected from two-member wards, as is the case in the City of Toronto. Each elector would elect two councillors, both serving on area council. Local and Metro ward boundaries would be the same.

One member would be elected specifically to a joint Metro/area seat while the second member would be elected to area council exclusively. There would be two distinct races. Area municipal boundaries would be respected, and each municipality would contain the same number of Metro wards as the allotted number of Metro representatives.

Implementation would require the restructuring of local wards to coincide with the number of Metro representatives. This would lead, in most cases, to a change in the size of area councils; for some, a very serious change. See Table 4-A.

(2) Metro Wards Contained Within Municipal Boundaries

Under this option, Metropolitan councillors would be elected from Metro wards which would require local wards to be grouped. Each elector would have two councillors, one serving exclusively on area council from a local ward in which the representative is resident and the other serving at both Metropolitan Council and area council from the Metro ward. Area municipal boundaries would be respected and each area municipality would contain the same number of Metro wards as the allotted number of Metropolitan councillors.

The use of Metro wards that respect municipal boundaries would preserve some identification with the municipalities. The structure of local wards would be revised, where required, to enable them to be grouped into Metro wards. This may not be too difficult.

TABLE 4-A

EFFECT ON AREA COUNCIL SIZE UNDER JOINT-SEAT ELECTION*

	Area Council Size Status Quo	Area Council Size If Number Of Local Wards = Number of Metro Reps.
North York		
Mayor	1	1
Controllers	4	4
Area Aldermen	14	10
Joint-Seat Reps	-	10
Total Council Size	19	25
East York		
Mayor	1	1
Area Aldermen	8	1
Joint-Seat Reps	-	1
Total Council Size	9	3
Scarborough		
Mayor	1	1
Controllers	4	4
Area Aldermen	14	6
Joint-Seat Reps	-	6
Total Council Size	19	17
York		
Mayor	1	1
Controllers	2	2
Area Aldermen	8	2
Joint-Seat Reps	-	2
Total Council Size	11	7
Etobicoke		
Mayor	1	1
Controllers	4	4
Area Aldermen	10	4
Joint-Seat Reps	-	4
Total Council Size	15	13
Toronto		
Mayor	1	1
Area Aldermen	11	11
Joint-Seat Reps	11	11
Total Council Size	23	23

* Everything else remaining constant.

On the negative side, the electorate may be confused because the Metro wards would probably be larger than local wards. Local wards and issues might remain the main focus of municipal elections.

The creation of two sets of wards could complicate rather than simplify the election process and might force an increase in the size of the area council. See Table 4-B.

(3) At-Large Election Within Local Municipalities

Using this method, Metro/area councillors would be elected at-large to joint Metro/area seats. Those seeking to serve on area councils exclusively would run in area municipal wards. At the local level, this system would likely result in two classes of municipal councillor: the at-large Metropolitan councillor and a ward-based area councillor.

This system would strengthen the identification of the Metropolitan councillor with the area municipality and implementation of this model would be relatively simple because no Metro wards would have to be created.

Such at-large representatives, however, could provide a challenge to the influence of the mayor, and could dominate area councillors elected by ward at area council.

The absence of wards would increase the cost of running for Metropolitan Council, as every Metro candidate would face an at-large election. All other things remaining equal, this approach would increase the size of the area council.

TABLE 4-B

EFFECT ON AREA COUNCIL SIZE UNDER JOINT-SEAT ELECTION*

	Area Council Size Status Quo	Area Council Size If Joint-Seat Members Added To Existing Council
North York		
Mayor	1	1
Controllers	4	4
Area Aldermen	14	14
Joint-Seat Reps	-	10
Total Council Size	19	29
East York		
Mayor	1	1
Area Aldermen	8	8
Joint-Seat Reps	-	1
Total Council Size	9	10
Scarborough		
Mayor	1	1
Controllers	4	4
Area Aldermen	14	14
Joint-Seat Reps	-	6
Total Council Size	19	25
York		
Mayor	1	1
Controllers	2	2
Area Aldermen	8	8
Joint-Seat Reps	-	2
Total Council Size	11	13
Etobicoke		
Mayor	1	1
Controllers	4	4
Area Aldermen	10	10
Joint-Seat Reps	-	4
Total Council Size	15	19
Toronto		
Mayor	1	1
Area Aldermen	11	11
Joint-Seat Reps	11	11
Total Council Size	23	23

* Everything else remaining constant.

CHAPTER FIVE

SIZE OF METROPOLITAN COUNCIL

Introduction

The size of the Metropolitan Council has been the subject of debate since the inception of the metropolitan federation in 1953 when council had twenty-four members. Since then, council has grown in size, expanding three times, but the Minister, among others, has expressed concern about this trend: should the Metropolitan Council continue to increase or should other adjustments be made? See Table 5-A.

In announcing the review of representation and accountability, the Minister emphasized that "increasing the size of such a broad political institution cannot be the sole and exclusive solution to representation issues."

The most recent initiative to expand the Metropolitan Council began in 1983, when all area councils reviewed a proposal to expand Metropolitan Council to forty-three members from thirty-nine (not including Chairman), to provide for one additional member from each of North York and Etobicoke and two additional members from Scarborough. The objective was to restore representation by population. In January 1985 council voted to request this increase. Table 5-B illustrates the effect on representation by population of four additional Metro councillors.

An amendment to the Municipality of Metropolitan Toronto Act was introduced in July 1986 to increase the size of the Metropolitan Council to forty-three. The provincial action to balance representation by population in the present electoral arrangements notwithstanding, the Task Force was asked by the Minister to examine options for council size.

The Task Force examined a number of representation-by-population models.

SELECTED COUNCIL SIZE

Obviously there is scope for great variation in council size. The Task Force, for purposes of illustration, selected the following representation by population examples.

1. Larger Metropolitan Council - one representative for each 50,000 people (a ratio of 1:50,000).

TABLE 5-A

MUNICIPALITY OF METROPOLITAN TORONTO
CHANGES IN REPRESENTATION

1967

Municipality	No. seats	Assessed pop	Pop per representative (000's)
Toronto	12	678,729	56.5
North York	6	390,456	65.0
Scarborough	5	265,567	53.1
Etobicoke	4	258,201	64.6
York	3	138,374	46.1
East York	2	93,772	46.9
Total (excluding Chairman)	32	1,825,099	57.0

1975

Municipality	No. seats	Assessed pop	Pop per representative (000's)
Toronto	12	682,252	56.8
North York	9	543,662	60.4
Scarborough	6	363,552	60.6
Etobicoke	5	288,118	57.6
York	3	140,401	46.8
East York	2	106,110	53.0
Total (excluding Chairman)	37	2,124,095	57.4

1984

Municipality	No. seats	Assessed pop	Pop per representative (000's)
Toronto	12	597,171	49.8
North York	10	556,308	55.6
Scarborough	7	461,975	66.0
Etobicoke	5	298,490	59.3
York	3	133,856	44.0
East York	2	97,679	48.8
Total (excluding Chairman)	39	2,145,479	55.0

TABLE 5-B

MUNICIPALITY OF METROPOLITAN TORONTO

REPRESENTATION BY POPULATION, 1985

MUNICIPALITY	1985[1] POPULATION (% POP)	TOTAL METRO REPS[2] (% SEATS)	POPULATION PER METRO REP	PROPOSED CHANGE* (% SEATS)	POP/ REP
Etobicoke	298,490 (13.9%)	5 (12.8%)	59,698	6* (14.0%)	49,749
North York	556,308 (25.8%)	10 (25.6%)	56,631	11* (25.6%)	50,574
Scarborough	461,957 (21.5%)	7 (17.9%)	65,994	9* (20.9%)	51,329
Toronto	604,503 (28.1%)	12 (30.8%)	50,375	12 (27.9%)	50,375
York	133,856 (6.2%)	3 (7.7%)	44,619	3 (7.0%)	44,619
East York	97,679 (4.5%)	2 (5.1%)	48,840	2 (4.7%)	48,840
Metropolitan Toronto	2,152,793 (100.0%)	39 (100.0%)	55,200	43 (100.1%)	50,065

1. 1985 Ministry of Revenue Enumeration.

2. Does not include Chairman.

* With proposed addition of four members, one for Etobicoke, one for North York, and two for Scarborough.

2. (a) smaller Metropolitan Council - one representative for each 75,000 people (a ratio of 1:75,000);

   (b) smaller Council - one representative for each 100,000 people (a ratio of 1:100,000).

LARGER COUNCIL (PROPOSAL IN BILL 114)

As illustrated in Table 5-B, a larger council is arrived at by assuming a representation/population model of one representative for each 50,000 of population. This is the size of council the province is willing to establish in order to achieve representation by population in the present circumstances. The table also demonstrates the proposed distribution of seats among the area municipalities to a total of forty-three under the present arrangements.

Under the various models for election to council illustrated in Table 5-C, the forty-three members would be distributed as follows:

(a) status quo: six mayors, fourteen controllers, twelve council appointees and eleven Metropolitan councillors holding joint seats;

(b) direct election: all forty-three would serve exclusively on Metropolitan Council;

(c) direct election plus the mayors; thirty-seven members would serve on Metropolitan Council exclusively, plus six mayors to a total of forty-three;

(d) joint seats: thirty-seven representatives would be elected to Metro to serve both Metropolitan and area councils plus six mayors to a total of forty-three.

The merits of a larger council are discussed under the basic criteria for evaluation described in the Introduction chapter.

Accountability

Opportunity is expanded for more people to participate in, and be accountable for, the governing process. Further, if there are more representatives to share the workload, it could be possible to establish more control over boards and commissions and achieve clearer accountability in that regard.

On the other hand, the size of Metropolitan Council now is considered by many to be too large. To increase it to forty-three (1:50,000) would do little to reduce the criticism of organizational problems and lengthy debate. One has to question whether the public would be given a better understanding of who is responsible for what if indeed there are more, not fewer, members.

The other dimension of accountability, the ability to influence those decisions, is made more difficult with more members to convince.

TABLE 5-C

ELECTION OF METROPOLITAN COUNCIL:

DISTRIBUTION OF SEATS BY METHOD OF ELECTION

REPRESENTATION BY POPULATION 1:50,000

ELECTION OF METRO COUNCIL (MODEL) / ASSUMPTIONS	(A) LOCAL COUNCIL SELECTION (STATUS QUO)	No.	(B) ELECTION DIRECT TO METRO COUNCIL	No.	(C) ELECTION DIRECT TO METRO COUNCIL PLUS MAYORS	No.	(D) JOINT METRO/LOCAL SEATS	No.
MAYORS ON	YES	6	NO	0	YES	6	YES	6
CONTROLLERS ON	YES	14	NO	0	NO	0	NO	0
COUNCIL APPOINTEES	YES	12	NO	0	NO	0	NO	0
DIRECTLY ELECTED	YES*	11	YES	43	YES	37	YES	37
METRO COUNCIL		43		43		43		43

* Joint Metro/Local Seats in the City of Toronto

In short, if authority and responsibility are diffused and lack focus simply because there are more members, it follows that accountability would also be diffused and lack focus.

Representation

Increasing the number of Metropolitan councillors is the most convenient method for providing balanced representation by population. There is a minimum of disruption. That is to say, there is no need to reduce or trade off representation between municipalities, nor would there be any need to change ward boundaries or alter the method of selecting Metropolitan councillors.

The danger is, however, that simply expanding the numbers leads to pressures to have lengthy debate or to have time limits imposed. Too much attention may be paid to balancing representation and not enough to creating a council of manageable proportions.

The greater the size, potentially the greater the cost. Table 5-D indicates basic salary levels of Metropolitan Council members, for illustrative purposes only. The total salary budget, of course, will be a function of two principal factors - the size of council and what council decides are reasonable rates of remuneration for tasks performed.

SMALLER COUNCIL

Two models that would result in a smaller council were selected for illustrative purposes. In each case, the distribution is based on representation by population and the existing area municipal boundaries.

The first assumes a representation by population ratio of 1:75,000. The council, given Metro's current population, would comprise twenty-eight members.

This would give a distribution of seats as follows: Etobicoke, four; North York, seven; Scarborough, six; Toronto, eight; York, two; and East York, one (see Table 5-E).

The second assumes a representation by population ratio of 1:100,000. This ratio would result in a council of twenty-two. This would give a distribution of seats as follows: Etobicoke, three; North York, six; Scarborough, five; Toronto, six; York, one; and East York, one (see Table 5-F).

The reduced numbers would have a considerable impact on the present method of election to the Metropolitan Council.

The general distribution of seats according to the four options for election to council would be as follows and are demonstrated in Tables 5-G and 5-H.

If the total number of seats were twenty-eight:

(a) status quo: six mayors; twelve controllers; three council appointees and seven Metropolitan councillors holding joint seats.

TABLE 5-D

BASIC SALARY LEVELS FOR METROPOLITAN COUNCILLORS

	BASIC SALARY[1]	METRO COUNCIL	METRO EXECUTIVE
	$	$	$
NORTH YORK			
Mayor	43,327	10,817	7,530
Controller	35,068	10,817	7,530
Alderman	27,763	10,817	-
EAST YORK			
Mayor	37,420	10,817	7,530
Alderman	19,129	10,817	-
YORK			
Mayor	43,161	10,817	7,530
Controller[2]	35,784	10,817	-
Alderman	22,729	10,817	-
TORONTO			
Mayor	59,356	10,817	7,530
Metro Councillor	31,928	10,817	7,530
City Alderman	41,308	-	-
ETOBICOKE			
Mayor	44,710	10,817	7,530
Controller	33,290	10,817	7,530
Alderman	21,835	-	-
SCARBOROUGH			
Mayor	49,300	10,817	7,530
Controller	35,850	10,817	7,530
Alderman	28,050	-	-

1 The cities of Toronto and York assign their salaries in two parts, expenses and salary. The basic salary shown here represents a grand total.

2 The York controller who serves as budget chief receives an additional $4,000. City of Toronto executive committee members receive an additional $743 for serving on the Budget Review Group.

(b) direct election: All twenty-eight would serve exclusively on the Metropolitan Council.

(c) direct election plus the mayors: so that each area municipality would have at least one exclusively Metropolitan Councillor, twenty-three would be elected to serve on the Metropolitan Council. The six mayors would be an addition to that number to a total of twenty-nine members.

(d) joint seats: twenty-two members would be elected to serve both Metro and area councils. The six mayors would also serve in a dual capacity.

If the total number of seats were twenty-two:

(a) status quo: six mayors; ten controllers; one council appointee and five Metropolitan councillors holding joint seats.

(b) direct election: all twenty-two would serve exclusively on the Metropolitan Council so that each area municipality would have at least one exclusively Metropolitan Councillor.

(c) direct election plus the mayors: eighteen would be elected to serve on the Metropolitan Council. The six mayors would be an addition to that number, to a total of twenty-four members.

(d) joint seats: twenty-two members would be elected to serve both Metro and area councils. The six mayors would also serve in a dual capacity.

A reduction in numbers would have consequences for accountability and representation.

TABLE 5-E
METROPOLITAN COUNCIL (28 MEMBERS)
REPRESENTATION BY POPULATION 1:75,000
DISTRIBUTED BY MUNICIPALITY

MUNICIPALITY	METRO REPRESENTATIVES	POP/ REP
Etobicoke	4	74,622
North York	7	79,473
Scarborough	6	76,992
Toronto	8	75,563
York	2	66,928
East York	1	97,679
	28	76,885

TABLE 5-F
METROPOLITAN COUNCIL (22 MEMBERS)
REPRESENTATION BY POPULATION 1:100,000
DISTRIBUTED BY MUNICIPALITY

MUNICIPALITY	METRO REPRESENTATIVES	POP/ REP
Etobicoke	3	99,497
North York	6	92,718
Scarborough	5	92,391
Toronto	6	100,750
York	1	133,856
East York	1	97,679
	22	97,854

TABLE 5-G

ELECTION OF METROPOLITAN COUNCIL:

DISTRIBUTION OF SEATS BY METHOD OF ELECTION

REPRESENTATION BY POPULATION 1:75,000

ELECTION OF METRO COUNCIL (MODEL)	(A) LOCAL COUNCIL SELECTION (STATUS QUO)		(B) ELECTION DIRECT TO METRO COUNCIL		(C) ELECTION DIRECT TO METRO COUNCIL PLUS MAYORS		(D) JOINT METRO/LOCAL SEATS	
ASSUMPTIONS		No.		No.		No.		No.
MAYORS ON	YES	6	NO	0	YES	6	YES	6
CONTROLLERS ON	YES	12	NO	0	NO	0	NO	0
COUNCIL APPOINTEES	YES	3	NO	0	NO	0	NO	0
DIRECTLY ELECTED	YES*	7	YES	28	YES	23	YES	22
METRO COUNCIL		28		28		29**		28

* Joint Metro/Local Seats in the City of Toronto

** Permits East York to have a Metropolitan councillor in addition to the mayor

TABLE 5-H

ELECTION OF METROPOLITAN COUNCIL:

DISTRIBUTION OF SEATS BY METHOD OF ELECTION

REPRESENTATION BY POPULATION 1:100,000

ELECTION OF METRO COUNCIL (MODEL) ASSUMPTIONS	(A) LOCAL COUNCIL SELECTION (STATUS QUO)	No.	(B) ELECTION DIRECT TO METRO COUNCIL	No.	(C) ELECTION DIRECT TO METRO COUNCIL PLUS MAYORS	No.	(D) JOINT METRO/LOCAL SEATS	No.
MAYORS ON	YES	6	NO	0	YES	6	YES	6
CONTROLLERS ON	YES	10	NO	0	NO	0	NO	0
COUNCIL APPOINTEES	YES	1	NO	0	NO	0	NO	0
DIRECTLY ELECTED	YES*	5	YES	22	YES	18	YES	16
METRO COUNCIL		22		22		24**		22

* Joint Metro/Local Seats in the City of Toronto

** Permits East York and York to have a Metropolitan councillor in addition to the mayor

Accountability

With a reduced number on council, voter recognition of Metropolitan councillors and their stand on the issues would be heightened. Accountability would be enhanced. Fewer participants should result in shorter debates. Accountability would be measured, not only by votes, but by contribution to debates.

There could be problems with sharing the workload in committees and in control of boards and commissions. It is difficult to hold individuals to account if they can plead that they did not have time for it all. It could be argued, however, that a directly elected council serving only one council would alleviate that problem.

Representation

While a smaller council could mean a leaner, more efficient organization, balancing representation by population for smaller councils would require the redistribution of Metro seats, with some municipalities losing and others gaining proportionately (see Tables 5-E and 5-F). For example, where Toronto now has twelve representatives and North York ten, in a directly elected or joint-seat approach for a council of twenty-two Toronto and North York would both have six. In the case of York and East York in the same approaches, where York now has three and East York two, they would both have one representative each. Any reduction in size of council should provide an opportunity for reductions in salary budgets.

Discussion

Up to now, we have discussed the size of the Metropolitan Council exclusively. In the case of direct election, with or without the mayors included, it should not be taken for granted that the number of elected representatives at both levels must necessarily increase. Given a number of changed circumstances and new arrangements, particularly the separation of workload, there would be scope for the reduction in the size of councils.

CHAPTER SIX

METRO'S EXECUTIVE COMMITTEE

Introduction

The Metro executive committee, while a subsidiary component in the composition of Metropolitan Toronto, has important implications for how the council and the office of Chairman function. It is therefore an integral part of the study in terms of how it is selected and what authority it is given.

The composition of the executive committee is set out in the Municipality of Metropolitan Toronto Act. The Metro Chairman is also Chairman of the executive committee and votes as a member of the committee. He is not restricted to a tie-breaking vote as he is at the Metropolitan Council.

The Metro executive committee is responsible for:

- preparation and presentation to council of the budget;
- preparation of specifications for and awarding of all contracts and tenders for materials and supplies; and
- responsibility for the selection, compensation and dismissal of senior civic servants.

These provisions are the same as those of a board of control at the local level (see Appendix B).

The Municipality of Metropolitan Toronto Act also empowers the Metropolitan Council to authorize the executive committee to provide for the sale of surplus land. In addition, the executive committee, as set out in Metro's procedural by-law, is responsible for:

- reporting to the council on the operations of the Metropolitan Corporation and its local boards, commissions and agencies;
- consideration of standing committee reports before they go to council, if the reports deal with matters falling within the purview of the executive committee (i.e., finance, property and personnel);
- recommending the adoption of such reports, or requesting their reconsideration or amendment.

The Metro executive committee has the potential to provide leadership in the setting of goals and objectives, and in ensuring their implementation via the policy development function of standing committees.

Criteria for Evaluation

Task Force discussion of the Metro executive committee centred on the basic criteria listed below:

ACCOUNTABILITY

- To whom should the executive committee be accountable?
- Is the accountability of the executive committee clear?
- On whose behalf does the executive committee act?

REPRESENTATION

- Should all members of Metropolitan Council be eligible to serve on the executive committee?
- Is each municipality represented on the executive committee?
- What are the implications of the workload?

Metro Executive Committee Relationship to the Metropolitan Council

- Does Metro executive committee provide leadership and/or policy direction to the Metropolitan Council?

Models

The examination of models for the structure and composition of the executive committee is dependent to a large extent on the model chosen for the election of council as a whole. For example, if council were to be directly elected, representation by an area municipality on the executive committee may or may not be feasible, depending on the structuring of Metro ward boundaries. However, for purposes of this chapter the models have been developed in isolation from considerations relating to how either council is elected or the Chairman selected.

A. THE STATUS QUO

The basic elements of the present system include composition of executive committee specified by statute, and size of the committee specified by statute.

Selection of Metro's executive committee is provided for in section 11 of the Municipality of Metropolitan Toronto Act, which requires an executive committee composed of fourteen members:

- the Chairman (1)
- the mayor of each municipality (6)
- the top-polling controller from Etobicoke (1)

- the two top-polling controllers from North York (2)
- the top-polling controller from Scarborough (1)
- three Metropolitan councillors from the City of Toronto, elected under section 152a of the Metropolitan Toronto Act.

The current membership is set out in Table 6-A.

Six members of the executive committee constitute a quorum, with no minimum requirement as to the number of municipalities that must be represented.

The executive committee is divided into a management sub-committee and a budget sub-committee. Their selection is the responsibility of the Metro Chairman. The Metro Chairman serves as the Chairman of both committees.

At present, each municipality has one member on each sub-committee with the exception of the City of Toronto, which has two members on the management sub-committee. The six mayors, plus one councillor from the City of Toronto, comprise the membership of the management sub-committee.

The mayors of York and East York, being the single executive committee members from their municipalities, serve on both sub-committees as well as on the executive committee itself. The balance of the budget sub-committee is made up of controllers plus one councillor from the City of Toronto.

Metropolitan Council meets bi-weekly. The Metro executive committee also meets bi-weekly, during the off-council week. The management sub-committee meets monthly. The budget sub-committee meets at the call of the Chair.

Accountability

The size and composition of the executive committee is set out in the Metropolitan Toronto Act. This means that neither the Chairman nor the Metropolitan Council has the authority to determine the make-up of the executive committee. As a result, while the executive committee reports to council, its composition and membership are determined by statute and cannot be changed by council. The executive committee members under the status quo are seen to be directly accountable either to their area council or their local constituency.

The fact that the executive committee is comprised of members appointed by virtue of their local elected office and is not directly accountable to the Metro Council or the Metro Chairman, creates the perception of two classes of Metropolitan councillors. This is true particularly in matters of finance, property and personnel.

Representation

All municipalities are represented on the executive committee under the status quo. The proportion of representatives each municipality has on the executive committee approximates each municipality's current representation on the Metropolitan Council (see Table 6-B). This ensures that each municipality has a voice on the executive committee and that this voice is in proportion to the voice which it has on council.

TABLE 6-A

METROPOLITAN EXECUTIVE COMMITTEE

EXECUTIVE COMMITTEE		BUDGET SUB-COMMITTEE	MANAGEMENT SUB-COMMITTEE
CHAIRMAN	C. Dennis Flynn	Flynn	Flynn
CITY OF TORONTO			
Mayor	Arthur Eggleton		Eggleton
Councillor	Joanne Campbell		Campbell
Councillor	Ben Grys		
Councillor	June Rowlands	Rowlands	
CITY OF NORTH YORK			
Mayor	Mel Lastman		Lastman
Controller	Esther Shiner		
Controller	Robert Yuill	Yuill	
CITY OF YORK			
Mayor	Alan Tonks	Tonks	Tonks
CITY OF SCARBOROUGH			
Mayor	Gus Harris		Harris
Controller	Ken Morrish	Morrish	
CITY OF ETOBICOKE			
Mayor	Bruce Sinclair		Sinclair
Controller	Dick O'Brien	O'Brien	
BOROUGH OF EAST YORK			
Mayor	David Johnson	Johnson	Johnson

TABLE 6-B

METROPOLITAN EXECUTIVE COMMITTEE

	Executive Committee		Metro Council	
	No.	%	No.	%
City of Toronto	4	30.8	12	30.8
City of North York	3	23.1	10	25.6
City of York	1	7.7	3	7.7
City of Scarborough	2	15.4	7	17.9
City of Etobicoke	2	15.4	5	12.8
Borough of East York	1	7.7	2	5.1
	13*	100.1	39*	99.9

* does not include Chairman

This reflects a philosophy that all points of view should be expressed at the executive committee and local interests taken into consideration there. However, the size of the executive committee (fourteen), which is necessary to ensure both representation by population and geographic distribution, works against an effective executive.

At the present time, with the exception of the City of Toronto's representatives, the executive committee is comprised of mayors and controllers who carry heavy responsibilities at the local level. While other members of council may have the interest, ability and time to serve on the executive, they are ineligible by virtue of the statutory composition of executive committees.

Metro Executive Committee's Relationship to the Metropolitan Council

In addition to its statutory administrative duties, the chief function of Metro executive committee should be the provision of political leadership to council.

Since the Act is silent on the overall policy and leadership role of the executive committee, clear policy direction to Metro departments and standing committees cannot be assumed except on those matters clearly within the mandate of the executive committee.

The composition of the executive committee may be an additional deterrent to clear leadership. Membership on the executive committee is based on ensuring a balance of representation from area municipalities and on the office held by these representatives rather than the leadership potential which the individuals may have (or wish to provide) on Metropolitan Council.

At the same time, the role which members of Metro executive play as mayors or as members of boards of control at the local level, and the consequent influence which they bring to Metro, cannot be ignored.

An additional concern is that the elected representatives with the heaviest workload at the local level are also required to be on the Metro executive committee. This reduces the time available for consideration of Metro issues.

B. SELECTION OF EXECUTIVE COMMITTEE BY THE CHAIRMAN

This model assumes that:

- The Metro executive committee would be selected by the Metro Chairman from amongst the members of the Metropolitan Council.
- An executive committee would be required by statute.
- The size would be provided for by statute.

Accountability

Under this model, members of the executive committee would be accountable to the Chairman who appoints them, as in a cabinet system at the federal or provincial level. The members of the executive committee would serve at the pleasure of the Chairman with no guarantee as to tenure of office, and the Chairman could dismiss and appoint members of the executive as seen to be necessary. The Chairman would, however, be limited by statute as to the number of members on executive committee.

Accountability under this model would be clear. The decision as to whether it is appropriate to have the committee directly accountable would depend on the role desired for the Chairman in relationship to the Metropolitan Council. Certainly the Chairman's authority would be enhanced and therefore accountability, as well.

The perception of two classes of Metro executive would be diminished, as any Metropolitan councillor could be chosen to serve on the executive committee.

Representation

This model, of itself, does not provide for geographic representation; however, such could be ensured by statute. The legislation mandating the selection of the executive committee could set out that representation be provided from each municipality.

However, if the executive committee is to provide leadership to council, the Chairman should not be restricted by statute in the choice of members. The Metropolitan Council, rather than the executive committee, should reflect and represent local interests. In appointing the members of the executive committee, the Chairman would, no doubt, seek a balance of area interests as in other cabinet systems.

Metro Executive Committee's Relationship to the Metropolitan Council

Selection by the Chairman should create a compatible executive group facilitating solidarity and community of purpose. Such a united group would be in a better position to provide leadership. However, this could be a divisive factor on those occasions where the executive is at odds with council. One compromise might be a Chairman's slate to be ratified by council. This would require the Chairman to select an executive, governed by the knowledge that the slate must be acceptable to council. This could, however, result in a stalemate.

C. SELECTION OF THE EXECUTIVE COMMITTEE BY THE METROPOLITAN COUNCIL

Selection of an executive committee by the Metropolitan Council assumes that:

- The Metro executive committee would be selected by the Metropolitan Council from amongst its own members.
- An executive committee would be required by statute.
- The size would be provided for by statute.

As in the previous model of selection by the Chairman, the legislation mandating the selection of the executive committee could also set out that representation be provided from each municipality.

Accountability

Under this model, the members of executive committee would be accountable to the Metropolitan Council, which appoints them. The executive would serve at the pleasure of council, which could dismiss and replace executive committee members at will. The council would be governed by statute in respect of the number of members on executive committee. Accountability in this case would be recognizable, as the Metro executive would be clearly serving the Metropolitan Council, chosen by and accountable to the council.

The perception of two classes of representatives that occurs when the executive committee is determined by statute would be diminished.

Representation

Any member of Metro Council could potentially serve on the executive. However, this model does not assume representation of all municipalities. The legislation could, however, provide for a minimum of one member per municipality or an executive committee comprised of mayors and others selected by council.

Metro Executive Committee's Relationship to the Metropolitan Council

The leadership potential of an executive committee appointed by council would depend on the role council wished the executive to fulfil. An executive committee chosen by and accountable to the Metropolitan Council would have the support and confidence of council. Conflict between council and the executive would be diminished. However, the converse could be true with regard to the relationship with the Chairman, in this approach.

The process of decision-making at Metro would be facilitated through the use of an executive chosen by council, provided the executive committee maintained the confidence of council.

Eligibility of Mayors for Executive Committee

In the event that the executive committee were to be struck by either the Chairman or council, consideration should be given to whether the mayors should be expected to assume this role in addition to their other duties. If ineligible, the considerable seniority and experience that they could bring would be lost to that committee.

The practical concern is, however, that mayors must devote considerable time and effort in meeting the challenges of their office, let alone taking on the responsibilities of the executive committee at Metro.

Having said that, providing for the mayors to serve on executive committee would achieve a balance of representation.

Standing Committees

The role and composition of standing committees was discussed by the Task Force but was ultimately viewed as a matter internal to the Metropolitan Council. The report, "Task Force on Functional Relationships of the Council, Committees, Boards and Commissions," addressed the roles and composition of standing committees extensively. The Metropolitan Council has recently adopted and is in the process of implementing the recommendations contained in that report. It would therefore seem unnecessary for this Task Force to enter into any detailed analysis of the representation and accountability of standing committees.

However, the relationship between the executive committee and standing committees should be considered in the context of this report.

The legislation respecting committees of council in Metropolitan Toronto is contained in section 13 of the Municipality of Metropolitan Toronto Act which states:

> "The Metropolitan Council may from time to time establish such standing or other committees, and assign to them such duties as it considers expedient."

The legislation provides no further elaboration as to roles, powers or functions of these committees.

Through its procedural by-law, Metropolitan Toronto has established six standing committees which correspond to specific departments (see Table 6-C). Each of these committees is required to have a membership of six or seven, exclusive of the Chairman. Most members of Metropolitan Council at present serve on at least one such committee.

One or more members of the executive committee serve on each of the six standing committees. Members of the executive committee are prohibited from being Chairmen of standing committees to ensure a broader distribution of responsibilities among all members of council. While this tradition facilitates wide participation, it does eliminate a potentially important link between standing and executive committees.

The Task Force raised the possibility of having members of the executive committee serve as Chairmen of the standing committees rather than simply as members, and to represent the views of the committees at executive committee. Depending on the decisions taken regarding the method of electing Metropolitan Council, the workload of the executive committee members could be substantially increased. However, depending on the leadership to be provided by the executive committee, having the Chairmen of the various standing committees also on the executive committee would result in a stronger voice in decision-making for the standing committees.

TABLE 6-C

METROPOLITAN TORONTO STANDING COMMITTEES

Standing Committee	Operating Departments
Economic Development and Planning	Planning Department Economic Development Division (Chairman's Office)
Community Services and Housing	Community Services Department Ambulance Services Department
Legislative and Licensing	Licensing Commission
Parks, Recreation and Property	Parks and Property Department
Transportation	Roads and Traffic Department
Works	Works Department

CHAPTER SEVEN

RELATIONSHIP OF THE METROPOLITAN COUNCIL TO BOARDS AND COMMISSIONS

Introduction

Boards and commissions have become an important element of local government in their jurisdiction over major public services and expenditures. Historically, there have been a variety of reasons for the establishment of a local board or commission. In the main, they are:

- The function, although administered at the local level, is basically a matter of provincial rather than municipal interest.
- The most appropriate geographical area for providing the service is larger than the area of jurisdiction of the municipality.
- The duties to be performed are so detailed and time-consuming that the municipal council does not have sufficient time to perform them.
- The function needs to be administered like a commercial enterprise by individuals with technical expertise and business experience.
- Some functions are believed too important and sensitive to be left to an elected municipal council to administer.

A detailed review of each board and commission in Metropolitan Toronto has not been initiated to determine whether its continued existence is justified in terms of these reasons. This was not the mandate of the Task Force. It has been assumed that local special purpose bodies will continue to exist, and that any changes that occur as a result of the report of the Task Force will be in their relationship to council. However, this should not preclude the possibility of transferring some functions of existing boards and commissions to the Metropolitan Council.

In this regard, the approach taken by the Task Force is similar to that of the "Task Force on Functional Relationships of the Council, Committees, Boards and Commissions." It took the existence of such bodies as a given and looked for ways in which the relationship between the Metropolitan Council and its boards and commissions could be strengthened and improved. (For more on boards and commissions, see Appendix C.)

Criteria for Evaluation

Three models of a possible relationship between a local special purpose body and the Metropolitan Council have been developed. These will provide a basis for determining what that relationship could be, and what changes are appropriate to establish such relationship.

In evaluating the models, the Task Force considered the following:

ACCOUNTABILITY

- To whom should each board and commission be accountable - Metropolitan Council, the province, the public at large?
- Does the public understand the responsibilities of each board and those of the Metropolitan Council?
- What is the role of the members of a board - to advance the interests of council, of a special interest group, of the public at large?
- What should the term of office of board members be?
- What reporting arrangements should exist between boards and commissions and council?

REPRESENTATION

- Who should appoint the members of Metro's boards and commissions - Metropolitan Council, the province, other groups? Once appointed, whose interests should the members represent?
- What is an appropriate balance between council and non-council (i.e., citizen) membership on a board?
- Should the citizen members be chosen from the community at large or from groups with a special interest in the functions?

COUNCIL CONTROL

- What degree and kind of control should the Metropolitan Council exercise over its boards?
- Are there other means of exercising control, such as the development of general council policies?
- Should the degree of control by a council be proportionate to the level of municipal versus provincial funding of a board?
- Should the staff of each board be separate from that of the municipality?
- Should the municipality have sufficient control over the personnel policies of each board to ensure that they are compatible with those of the municipality?

Models

A. THE STATUS QUO

The status quo covers the broad range of relationships between the Metropolitan Council and its boards and commissions that now exists in Metropolitan Toronto. This includes boards that are clearly "municipal," such as the Licensing Commission, "hybrid" boards such as the Metropolitan Toronto Library Board and Children's Aid Societies, in which several bodies have an interest, and "provincial/municipal" boards such as the Police Commission, in which the province has a major interest (see Table 7-A).

Accountability

It is not always clear to whom each board is accountable, although most appear to be accountable to a greater or lesser degree to the Metropolitan Council. The Licensing Commission, for example, is directly accountable to council through its Legislation and Licensing Committee. The Board of Police Commissioners, on the other hand, is directly accountable to the province through the Ontario Police Commission, and the province seeks to ensure this line of accountability by appointing the majority of members. The Toronto Transit Commission falls between these extremes.

The membership of the various boards differs and therefore the matter of whose interests are advanced is confusing.

There is no consistency in the term of office of boards and commissions. Council control is thereby diminished. Appointments once made are usually for the full term, which may or may not coincide with council term. This further limits accountability to council.

In terms of reporting to council, the practice varies widely. As a result of the "Task Force on Functional Relationships of the Council, Committees, Boards and Commissions," the Metropolitan Council has instituted procedures whereby each board under its jurisdiction reports through the appropriate standing committee of council, so that council members can obtain such information as they require about the board's activities. The council has also instituted a policy whereby its own council appointees must report on their activities once a year.

It can be difficult for council to exercise policy direction and control over the activities of some boards. This lack of control, especially where the council must pay the bills and bear the brunt of the public's complaints, can cause resentment among members of council.

Citizens, in turn, tend to assume that council is responsible and are confused when their complaints are referred to some other body.

TABLE 7-A

CATEGORY OF BOARDS AND COMMISSIONS

. Metropolitan Board of Commissioners of Police	P / M
. Metropolitan Toronto and Region Conservation Authority	P / M
. Board of Management of the Metropolitan Toronto Zoo	H
. Board of Management of the Guild Inn	H
. Metropolitan Toronto Library Board	H
. Children's Aid Society	H
. Catholic Children's Aid Society	H
. Toronto Transit Commission	M
. Metropolitan Licensing Commission	M
. Board of Governors of Exhibition Place	M
. Board of Management of the O'Keefe Centre	M

P/M Provincial/Municipal

H Hybrid

M Municipal

Representation

Membership on these boards is achieved in a variety of ways. The majority of members are appointed by council, while additional representatives are appointed by the province and other groups. Although council members are generally eligible to sit on boards, the majority of the members are usually not members of council, confusing further whose interests are represented.

The appointment of citizen members helps to relieve some of the workload on council members and provides valuable input from members of the community and special interest groups.

It is expected that council member appointees see their role on boards as reflecting council views, although this does not happen in any consistent manner.

Council-appointed citizen members, however, usually do not see their role as representing the interests of the municipality, nor do they have any real mandate to speak for their fellow citizens. Representatives of special interest groups are clear about whose interests they are representing. Their special interest, however, may be different from that of council or other members of the community.

Council Control

The level of budgetary control ranges from virtually none in some cases, to considerable; control is usually exercised through approval by council of the annual operating budget of the board in varying levels of detail. Usually council must approve any capital expenditure which will involve it in borrowing to finance the expenditure. In this model, however, there is no apparent direct relationship between the level of funding, be it municipal or provincial, and financial control.

Each function is administered on a specialized basis by a board composed of individuals with a special knowledge of, and interest in, that function. The board administers the function largely independently from council control and the lines of responsibility between the Metropolitan Council and its boards are clear to the participants involved.

Each board generally has its own staff, completely independent of the municipality. It also sets its own personnel policies. The lack of common personnel services and policies means that there may be varying employee compensation levels and that, from the employee's point of view, opportunities for movement and advancement within the total metropolitan municipal system may be severely limited.

Although the present system clearly distinguishes between the administrative structure of the council and its boards, it creates a duplication of many administrative services that might otherwise be handled in a more cost-effective manner by the Metropolitan Corporation.

B. GREATER INDEPENDENCE FOR BOARDS

Under this model, the responsibilities of special purpose bodies are entirely separate from those of the Metropolitan Council.

Accountability

Boards would be remote from council control and there would be no requirement to report to council. The activity of boards would be under the scrutiny of the public. It is likely however that the council would be the target of any criticism of board activity. The only control council would have would be the ability to appoint or reappoint. Thus the public becomes confused about just who is accountable. The Board of Police Commissioners would be an important exception, as it would continue to be directly accountable to the province through the Ontario Police Commission.

The lines of responsibility would be clear to those who were familiar with the system, but confusing to the resident who assumed that the Metropolitan Council was responsible for certain functions being administered by separate boards.

Representation

The size and composition of each board would be clearly established in legislation, and no member of council would be eligible to sit on a board. Board members would all be citizen members, appointed by the Metropolitan Council, the province and, in some cases, by other groups as well. This would reduce the overall workload on council members, allowing them to concentrate on their council responsibilities. Board members would generally be required to be eligible for municipal office in order to be eligible for appointment, except where representation from special interest groups was appropriate. The term of office would be established in legislation. This would further reduce the influence of the appointing body on the direction of the board.

Council Control

Financial arrangements would be quite clear: council would have no control over the budgets of the local boards. There would be no effective priority-setting among competing claims. Any municipal portion of the board's expenditures would simply be a municipal cost to be passed on to the municipality's ratepayers.

Each board would have its own staff, which would be completely separate from that of the municipality. The board would also be responsible for its own organizational arrangements and personnel policies.

As with the present system, greater independence for boards could create a duplication of many administrative services and inhibit opportunities for personnel movement within the total metropolitan municipal system.

C. GREATER COUNCIL CONTROL

The greater council control model is based on the philosophy that the elected municipal council should be the major force at the local level. If special purpose bodies are to be continued, their activities should be performed under the clear direction and control of the council. Rather than having a set of separate local governments, as in the second model, there would be a unitary system, whereby the Metro boards and commissions clearly would be administrative agencies of the Metropolitan Corporation.

Accountability

All boards and commissions, under this model, would be directly accountable to the Metropolitan Council, although, undoubtedly, they would continue to have informal relationships with a number of groups. Although the Board of Police Commissioners would be accountable to the Ontario Police Commission for carrying out its responsibilities under the Police Act, it would be accountable on a day-to-day basis to council in financial and administrative terms.

Each board and commission would be required to report to council in the form and frequency determined by council. This was a major theme of the "Task Force on Functional Relationships of the Council Committees, Boards and Commissions." Reporting could include formal reporting and provision of information by the board itself, direct reporting to council by the individual appointees to that board, and advance circulation of notices of board meetings and of proposed agendas. Council would also be able to establish general policies for the operation of each function, to be followed by each board in its day-to-day activities. This would afford council the opportunity to ensure that each board member not act in opposition to the interests of council.

Placing responsibility on the Metropolitan Council for all metropolitan functions would make the system clearer to the public, and enable individual citizens to direct, with more confidence, their concerns to the members of council.

Representation

The Metropolitan Council would determine the size and composition of each of the boards under its jurisdiction. It would also make all board appointments, although it would not be precluded from seeking the advice of special interest groups.

This model would provide flexibility as to the membership of each board and allow council to tailor the size and composition of a board to the type of activities being performed. There would be no role for the province in making appointments or in the budgetary process; this may not be appropriate in all cases.

Both members of council and citizens would be eligible for membership on a board, and council would have the option of appointing only members of council or, if it wished, only citizen members. Citizen

members would be required to be eligible to run for council in order to be eligible for appointment to a board. All appointments to a board would be on such terms and conditions as were established by the council.

The council would establish the term of office for each board and the term of any board member could be terminated at any time by council. As recommended by the "Task Force on Functional Relationships of the Council, Committees, Boards and Commissions," the council would also be able to set a limit on the number of years that could be served on any board by a citizen member.

Council Control

The Metropolitan Council would have the same degree of budgetary control over each board's financial activities that it now has over the financial activities of the municipality. This would enable it to deal with and approve a board's operating estimates in whatever level of detail council deemed to be appropriate. It would also enable council to require the board to submit capital estimates on the same basis as the departments of the municipality. Council would have better control over its total budget, and could more effectively constrain budgetary increases from year to year.

The administrative services of the Metropolitan municipality and its boards would be more closely integrated. Most boards would continue to have a separate staff, but council would be able to require that the personnel policies of the boards and the municipality were compatible, subject to existing collective agreements. Employees of the municipality and all local boards would be able to take advantage of promotional opportunities throughout the entire metropolitan municipal public service.

To create further integration, council's approval would be required for the hiring of the chief officials of a board. Council would also be authorized to insist that certain administrative services be provided by the municipality to all boards, where there would be cost savings. These might include personnel, purchasing, computers, accounting and auditing services.

Discussion

It is clear that none of these three models would be appropriate in every case. It is also clear that some are more applicable to certain existing boards than to others.

For example, the first - the status quo - may be appropriate for "provincial/municipal" and "hybrid" boards, where the province as well as the municipality has an interest in the function. The second - greater board independence - may be more appropriate for boards where the council has virtually no control, such as a Children's Aid Society. The difficulty with excluding the municipality entirely in this case is that the Metropolitan Corporation is responsible for 20 per cent of a society's budget; it therefore makes little sense to remove the Metropolitan Council completely from a society's activities unless the municipality is also relieved of having to pay its share of the society's budget.

Obviously, the third model has greater applicability to "municipal" boards and to those "hybrid" boards where there is a significant municipal financial contribution. In such cases, the Metropolitan Council should have both policy and financial control over the activities of its boards and commissions whose role should basically be to manage the function within the guidelines established by council. Without this control, the Metropolitan Council cannot fulfil its responsibilities on behalf of the residents of the municipality.

The three models are not mutually exclusive. It would be possible to apply certain elements from the third model to an individual board, such as financial control and reporting, without giving the council complete control over the appointment of all members. This issue can only be determined by carefully reviewing each board and commission in light of its particular circumstances, and in light of the issues raised in this chapter.

As a final note, there are some specific issues about which the Metropolitan Council and area municipal councils have expressed concern. One is an area municipal matter and relates to whether members of certain local hydro commissions should continue to be elected, or be appointed by the area council.

The second issue relates to the size and composition of the Board of Police Commissioners. At present, the province appoints three of the five members of the board, in order to protect the principle that the board is directly accountable to the province through the Ontario Police Commission. The Metropolitan Council believes that it should appoint the majority of board members, given its financial contribution to policing, and has therefore requested an amendment to enable it to appoint two more members. The Solicitor-General has responded offering an increase in municipal membership but still retaining a majority of provincial appointees.

The third issue relates to the size of the Toronto Transit Commission. The commission consists of five members, all of whom are appointed by the Metropolitan Council. Council has requested an amendment to enable it to appoint two additional members. The Minister of Transportation and Communications has indicated his general agreement with the request, pending the completion of the Task Force report.

The Task Force believes that these three specific issues should be examined carefully, based on the discussion in this chapter.

CHAPTER EIGHT

AREA COUNCILS: IMPLICATIONS OF THE OPTIONS FOR COMPOSITION OF METROPOLITAN GOVERNMENT

Depending on the options chosen for improving representation and accountability in Metro government, there are many important implications for the future organization of area councils. While the Task Force concentrated on Metropolitan government, the report would not be complete without some consideration of the possible impact of these alternatives for Metro's cities and borough.

The Size of Council

The three basic alternatives to the status quo for election of the Metropolitan Council would have varying degrees of impact on the future size of area councils.

ELECTION DIRECT TO COUNCIL

This method, involving the election of members of a Metropolitan Council who would serve exclusively at Metro, would arguably have the greatest impact on the size of the area councils. With the separation of the two councils there would no longer be a requirement to serve both councils. With this new division of responsibility and workload, new possibilities would open up for considering a reduction in the size of area councils. At present, there are ninety-six elected representatives - mayors, controllers and aldermen -in the six area councils. Under direct election, thirty-nine of those would no longer have any responsibility for Metro issues. Given that circumstance, significant reductions could be contemplated in the size of area councils.

DIRECT ELECTION PLUS THE MAYORS

This method of election of the Metropolitan Council would result in only six members, the mayors, doing double duty. There would thus be thirty-three elected representatives who would no longer be required to address Metro issues, and therefore a reduction in area council size is possible.

JOINT-SEAT ELECTION TO THE METROPOLITAN COUNCIL

In this method, all of those serving on Metro would also have responsibilities to local councils. Grouping existing local wards to form Metro wards to elect joint-seat representatives could increase the number of councillors serving on area council, if no action were taken to reduce the number of local wards.

The Office of the Mayor

ELECTION DIRECT TO COUNCIL

The mayors would not serve on the Metropolitan Council. Because mayors serve only at area council, they could focus greater attention on area issues, although Metro issues could not be ignored.

DIRECT ELECTION PLUS THE MAYORS

In this approach, the mayors would continue to serve at Metro. The formal linkage between area councils and Metropolitan Council would be provided. There would be a potentially increased workload.

JOINT-SEAT ELECTION OF METROPOLITAN COUNCIL

This is similar to the status quo. Mayors would continue to serve at Metro as would a number of other representatives from their respective councils.

Boards of Control

ELECTION OF THE METROPOLITAN COUNCIL

None of the alternatives to the status quo method of election of the Metropolitan Council contemplate controllers being on Metro council. Boards of control predate the creation of a Metropolitan Council and although the duties of individual controllers would be reduced, this has no impact on the role of the board.

There can be little doubt that boards of control represent a position of prestige and responsibility. Controllers represent the municipality in its entirety and are responsible for specific municipal matters. They are the executive committee of the municipality. If the decision is taken that controllers not serve on the Metropolitan Council, area councils may take the opportunity to review the functions and status of boards of control.

The removal of boards of control would eliminate the existence of two classes of elected representatives - an executive class and the rest. Certain decisions by boards of control can only be reversed on a two-thirds vote of Council. This and the at-large nature of board of control elections reinforce the perception that area council consists of a council within a council. In cases where it is felt that area councils are too large, the elimination of the board of control could contribute to a reduction in the size of council. (For more on boards of control, see Appendix B.)

Council Relationship to Boards and Commissions

If some of the approaches to changing Metro arrangements were adopted, there would be more time for area councils to exercise more control over local boards and commissions.

The relationships established or contemplated for Metro and its boards and commissions are equally relevant in local municipal circumstances.

Wards

A variety of ward arrangements were reviewed. Three of the municipalities - North York, Scarborough and York - now have single representatives from their wards. This allows focus of accountability. If particular changes are made in Metro arrangements, single-member wards could be considered in the other area municipalities.

Remuneration

Remuneration of elected representatives in total will be a function of two principles: the size of council and the reasonable remuneration council decides should be paid for particular duties performed.

CHAPTER NINE

OPTIONS FOR COMPOSITION OF METRO GOVERNMENT

In the preceding chapters, a number of alternatives were advanced for Council Systems and options for the office of Chairman; for selecting the executive committee; for determining the relationship between elected Metropolitan Council and the largely appointed boards and commissions; and for size of council.

While the various topics have been presented in isolation, the Task Force was aware that all of the topics are of necessity intertwined in the composition of government. A change to any one of the component parts of that government will have an impact on the others.

This chapter considers the relationship between the two central topics, the Council System and the office of Chairman. Once decisions have been made regarding the preferred Council System and option for office of Chairman, only then should analysis be extended to the other components of government.

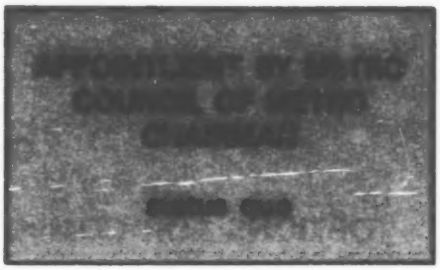
The Council Systems and options for the office of Chairman are presented in Illustration One. Illustration Two shows how the subsidiary topics of executive committee and boards and commissions could be combined with the choice made for the two central topics.

The implications of each particular combination of council and Chairman are identified. These implications are based on the analysis in Chapters Two and Three. Because each Council System is combined with every option for office of Chairman, repetition of implications occurs. The Task Force in adhering to its mandate does not offer conclusions or recommendations - only implications.

9.2 OPTIONS FOR GOVERNMENT OF METROPOLITAN TORONTO

illustration one

CASE A



or

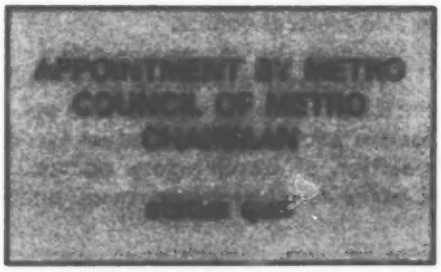
SELECTION OF CHAIRMAN
FROM COUNCIL

retain seat

or

AT-LARGE ELECTION OF
CHAIRMAN

CASE B

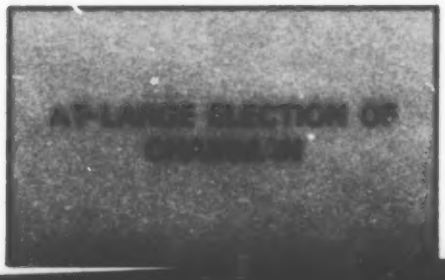


or

SELECTION OF CHAIRMAN
FROM COUNCIL

retain seat

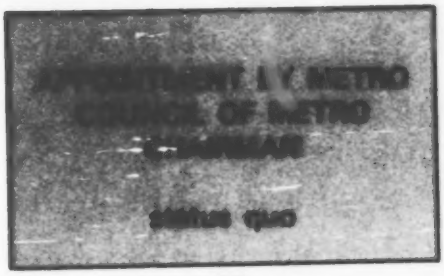
or



OPTIONS FOR GOVERNMENT OF METROPOLITAN TORONTO

illustration one

CASE C

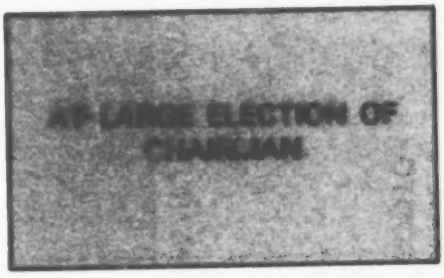


or

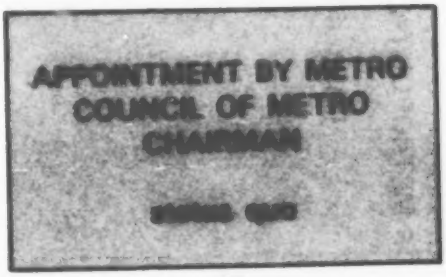
SELECTION OF CHAIRMAN FROM COUNCIL

retain seat

or



CASE D



or

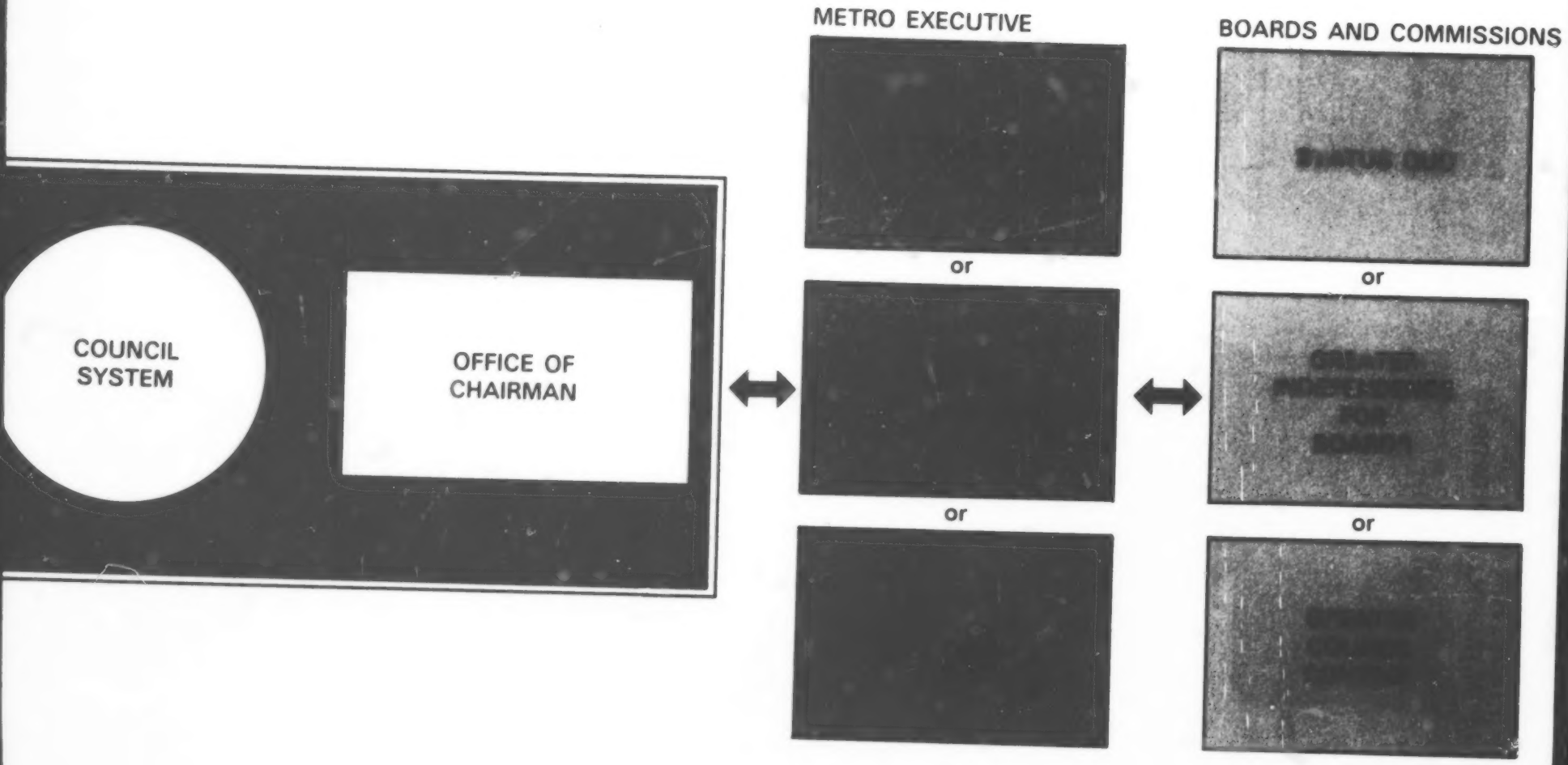
SELECTION OF CHAIRMAN FROM COUNCIL

retain seat

or

OPTIONS FOR GOVERNMENT OF METROPOLITAN TORONTO

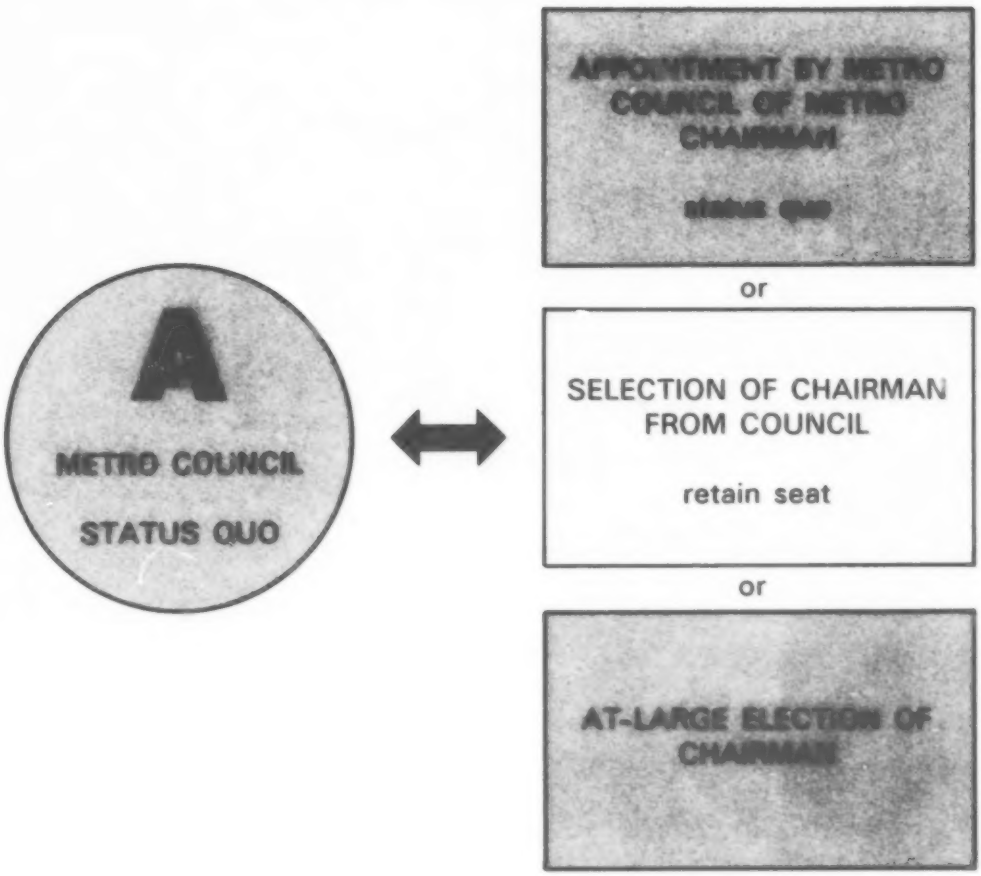
illustration two



Case A

Status Quo

CASE A


A
METRO COUNCIL
STATUS QUO
APPOINTMENT BY METRO COUNCIL OF METRO CHAIRMAN
status quo
or
SELECTION OF CHAIRMAN FROM COUNCIL
retain seat
or
AT-LARGE ELECTION OF CHAIRMAN

A. COUNCIL STATUS QUO

1. Appointment of Chairman by Metropolitan Council: Status Quo

Assumptions

Council Status Quo	Chairman Appointed Status Quo
. Mayors . Controllers . Aldermen, as necessary to complete Metro representation . Metro councillors from City of Toronto	. Metro Council chooses chairman . Members of council and "any other person" eligible . Chairman resigns area/Metro council seats if held (vacancy to be filled)

All members except Chairman serve two councils.

Chairman serves only at Metro.

Chairman has no area municipal responsibilities.

Implications

. Linkages between area councils and Metropolitan Council exist.

. Council selects Chairman and, having been so selected, Chairman has council's confidence and is accountable to council.

. Chairman may acquire informal power by being only person able to devote all time and effort to Metro issues.

. Electorate cannot directly determine choice of Chairman.

. Accountability to the electorate for Metro issues is confused.

. Dual role creates difficulty for members of Metropolitan Council in balancing area municipal and Metropolitan perspectives.

- **Electors' ability to influence and understand who represents them on Metropolitan Council varies from one area municipality to another.**

- **Role of Chairman can be adapted to meet the time and leadership needs of a council whose membership has a responsibility to both an area municipal council and to Metropolitan Council.**

A. COUNCIL STATUS QUO

2. Selection of Chairman from Council

SELECTION OF CHAIRMAN
FROM COUNCIL
RETAIN SEATS

Assumptions

Council Status Quo	Selection of Chairman from Council
. Mayors . Controllers . Aldermen, as necessary to complete Metro representation . Metro councillors from City of Toronto	. Council chooses from among own number . Only elected members eligible . Chairman retains area/Metro council seat

All members, including Chairman serve two councils.

All members achieve Metropolitan Council seat by virtue of area council office.

Chairman has constituency, area municipal and Metro-wide responsibilities.

Implications

. Linkages between area councils and Metro Council exist.

. Council selects Chairman and, having been so selected, Chairman has confidence of council.

. Accountability to the electorate for Metro issues is divided.

. Electorate cannot directly determine choice of Chairman.

- Chairman has multiple responsibilities and increased workload which places competing demands on the time available for constituency, area municipal and Metro-wide responsibilities.

- Chairman has divided loyalties between Metro and a particular area municipal council.

- Requirement to serve on two councils works against the proposition that an existing member serve as Chairman, particularly heads of council.

- Chairman serves local constituency and becomes first among equals upon selection as Chairman. Chairman must adapt to accountability to both councils and constituency.

A. COUNCIL STATUS QUO

3. At-Large Election of Chairman

Assumptions

Council Status Quo	At-Large Election of Chairman
. Mayors . Controllers . Aldermen, as necessary to complete Metro representation . Metro councillors from City of Toronto	. Any qualified elector is eligible to be elected Chairman in an election across Metro

All members except Chairman serve two councils.

Chairman serves only at Metro.

Chairman chosen by the electorate.

Implications

. Linkages between area councils and Metro Council exist.

. Chairman only member exclusively accountable to the electorate for Metro issues.

. Polarization of Chairman and council might occur.

. Accountability of Chairman may be more apparent than real if Chairman does not have support of council.

. Increased statutory authority for Chairman consistent with mandate may be required.

- Chairman with at-large mandate could dominate a council with divided loyalties.

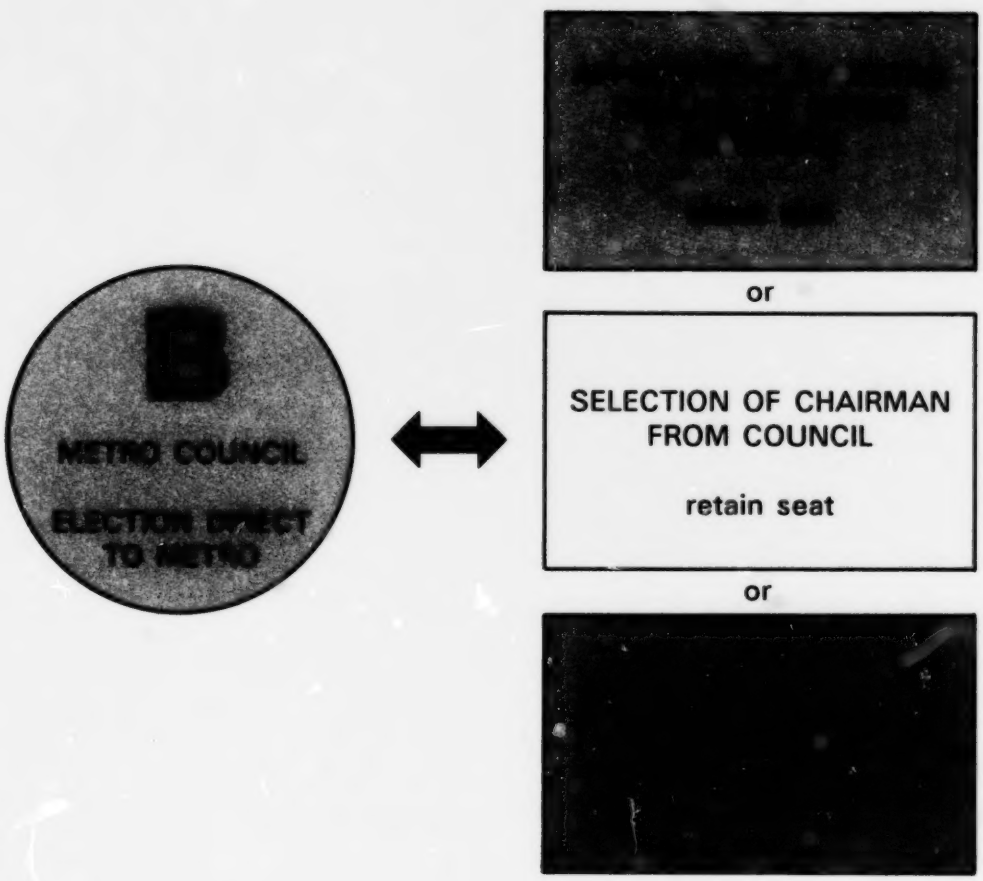
- Financial support and visibility critical considerations for candidates for Chairman.

- Chairman's ability to provide leadership depends on the support and confidence of council.

Case B

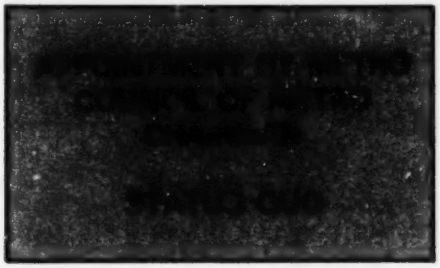
Election Direct to Metro

CASE B


B
METRO COUNCIL
ELECTION DIRECT TO METRO
or
SELECTION OF CHAIRMAN FROM COUNCIL
retain seat
or

B. COUNCILLOR ELECTION DIRECT TO METRO

1. Appointment of Chairman by Metropolitan Council; Status Quo



Assumptions

Councillor Election Direct to Metro	Chairman Appointed Status Quo
. Members serve exclusively at Metro Council . No dual memberships; mayors, controllers, area municipal aldermen would not serve at Metro	. Metro Council chooses Chairman . Members of council and "any other person" eligible . Chairman resigns seat if an elected council member (vacancy must be filled)

All members, including Chairman serve only at the Metropolitan Council.

No linkages to area councils.

Chairman has no local constituency responsibilities.

Implications

. Council selects Chairman and Chairman, having been so selected, would have confidence of members and is accountable to council.

. Chairman able to devote all effort to Metro matters, having no local constituency.

. All members deal exclusively with Metro issues.

. Electorate's awareness of Metro issues should increase.

. Two separate and distinct levels of municipal government created.

- No linkages between area councils and Metro Council and conflict may result between the two.

- Chairman only member of council not directly accountable to a Metro constituency for Metro issues.

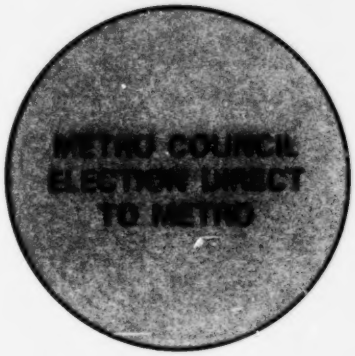
- Electorate cannot directly determine choice of Chairman.

- If an elected member of council was chosen Chairman, a by-election may be necessitated by the required resignation of the seat.

- If "any other person" were selected Chairman, a non-elected Chairman would be imposed upon a directly elected council. An elected member who became Chairman would cease to be accountable to the electorate.

B. COUNCILLOR ELECTION DIRECT TO METRO

2. Selection of Chairman from Council



SELECTION OF CHAIRMAN
FROM COUNCIL
RETAIN SEAT

Assumptions

Councillor Election Direct to Metro	Selection of Chairman from Council
. Members serve exclusively at Metro Council . No dual memberships; mayors, controllers, area municipal aldermen would not serve at Metro	. Council chooses from among own number . Only elected members eligible . Chairman retains Metro seat

All members, including Chairman, serve only at the Metropolitan Council.

No linkages to area municipal councils.

Chairman has constituency and Metro-wide responsibilities.

Implications

. Electorate's awareness of Metro issues should increase.

. Chairman has a constituency and becomes first among equals upon selection as Chairman.

. Council selects Chairman who, having been so selected, has confidence of members.

. Two separate and distinct levels of municipal government created.

. Chairman directly accountable to a limited electorate.

- With no linkages between area councils and Metro Council, possibility for conflict exists between the two.

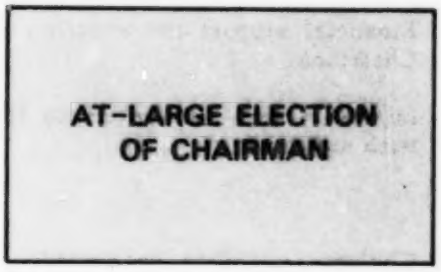
- Chairman has to balance constituency and Metropolitan interests.

- Electorate cannot directly determine choice of Chairman.

- All members, including Chairman, are directly accountable to a Metro constituency for Metro issues.

B. COUNCILLOR ELECTION DIRECT TO COUNCIL

3. At-Large Election of Chairman



Assumptions

Councillor Election Direct to Council	At-Large Election of Chairman
. Members serve exclusively at Metro Council . No dual memberships; mayors, controllers, area municipal aldermen would not serve at Metro	. Any qualified elector is eligible to be elected Chairman in an election across Metro

All members, including Chairman, serve only at Metropolitan Council.

All members directly elected to Metropolitan Council.

No linkages to area municipal councils.

Chairman's constituency is Metro-wide; Chairman chosen by the electorate.

Implications

. All members including the Chairman directly accountable to electorate for Metro issues.

. Should increase electorate's awareness of Metro issues.

. Would create two separate and distinct municipal governments.

. Accountability of Chairman may be more apparent than real if Chairman does not have support of council.

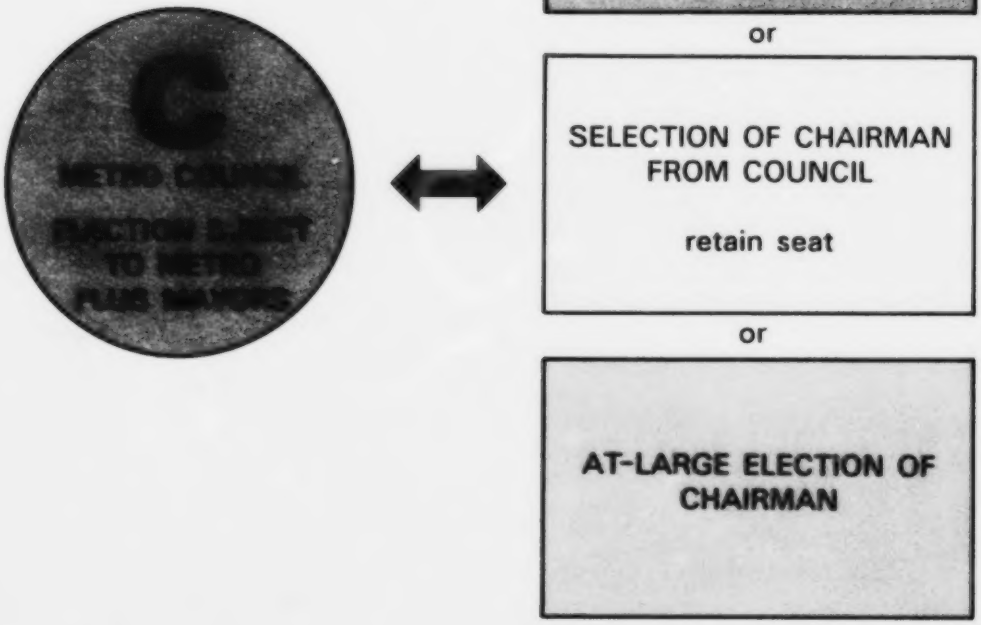
- Chairman's broad mandate could provide major political influence.
- With no linkages to area council, potential for conflict exists between area councils and Metro council.
- Polarization of Chairman and council could occur.
- Financial support and visibility critical considerations for candidates for Chairman.
- Increased statutory authority for Chairman may be required consistent with mandate.

- Chairman's ability to provide leadership depends on the support and confidence of council.

Case C

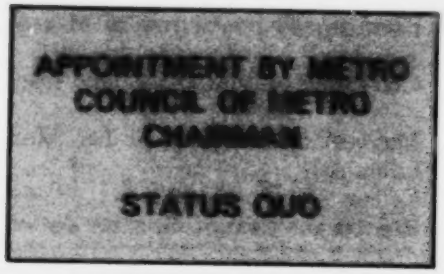
Election Direct To Metro
Plus Mayors

CASE C


APPOINTMENT BY METRO COUNCIL OF METRO CHAIRMAN
status quo
or
SELECTION OF CHAIRMAN FROM COUNCIL
retain seat
or
AT-LARGE ELECTION OF CHAIRMAN

C. COUNCILLOR ELECTION DIRECT TO COUNCIL PLUS MAYORS

1. Appointment of Chairman by Metropolitan Council: Status Quo



Assumptions

Councillor Election
Direct to Metro
Plus Mayors

- Area councils' mayors serve on Metro Council
- All other members of Metro Council serve exclusively at Metro
- No area municipal councillors (other than the mayor) would serve on Metro Council

Chairman Appointed
Status Quo

- Metro Council chooses its Chairman
- Members of council and "any other person" eligible
- The Chairman resigns seat if held (vacancy must be filled)

Mayors serve two councils.

All other council members, including Chairman, serve only at the Metropolitan Council.

Chairman has no area council or constituency responsibilities.

Implications

- Accountability of directly elected council member to the electorate for Metro issues is clear.
- All members of Metro Council can devote all their time to Metro with the exception of the mayors who serve two councils.

- Council selects Chairman and, having been so selected, Chairman has council's confidence and is accountable to council.

- Mayors provide communication and linkages between Metro and area municipal councils and could reduce the possibility of conflict among these councils.

- Electorate's awareness of Metro issues should increase.

- Chairman only member who does not hold elected seat.

- Mayors' accountability for Metro issues is unclear as they serve two councils.

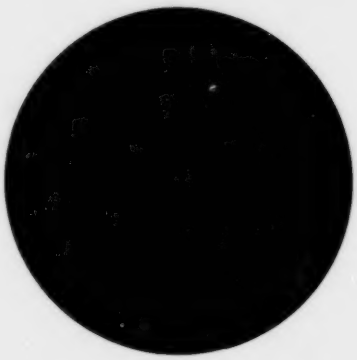
- Electorate cannot directly determine choice of Chairman.

- A mayor, if appointed Chairman, would have to resign, possibly causing a by-election.

- If "any other person" were selected Chairman, a non-elected Chairman would be imposed upon a directly elected council. An elected member who became Chairman would cease to be accountable to the electorate.

C. COUNCILLOR ELECTION DIRECT TO METRO PLUS MAYORS

2. Selection of Chairman from Council



SELECTION OF CHAIRMAN
FROM COUNCIL
RETAIN SEAT

Assumptions

Councillor Election Direct to Metro Plus Mayors	Selection of Chairman from Metro Council
. Area councils' mayors serve on Metro Council . All other members of Metro Council serve exclusively at Metro . No area municipal councillors (other than the mayor) would serve on Metro Council	. Council chooses from amongst own number . Only members are eligible . Chairman retains Metro seat

Mayors serve two councils.

All other members, including Chairman, serve only at Metro unless mayor chosen as Chairman.

Chairman has constituency and Metro-wide responsibilities.

Implications

. Accountability of directly elected council members to electorate is clear.

. Mayors provide communication and linkages between Metro and area municipal councils and could reduce the possibility of conflict among these councils.

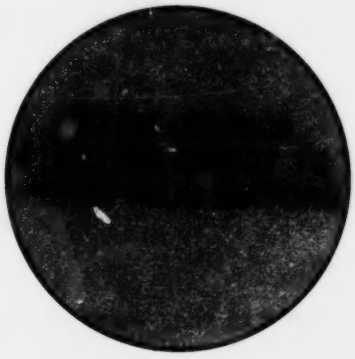
. Members of Metro Council can devote all their time to Metro issues with the exception of the mayors.

- Awareness of Metro issues should increase for electorate.
- Council selects Chairman and, having been so selected, Chairman has council's confidence.
- Upon being elected Chairman, individual serving becomes first among equals.
- Accountability of Chairman is divided between Metro Council and constituency.
- Chairman has to balance constituency and Metropolitan interests.
- Accountability of mayors for Metro issues is unclear as they serve two councils.
- Electorate cannot directly determine choice of Chairman.
- Requirement to serve as head of two councils works against mayors serving as Chairman.

- Members of Metro Council including Chairman can devote all of their time to Metro issues; mayors alone serve area municipal and Metropolitan Council and provide linkage.

C. COUNCILLOR ELECTION DIRECT TO COUNCIL PLUS MAYORS

3. At-Large Election of Chairman



AT-LARGE ELECTION OF CHAIRMAN

Assumptions

Councillor Election Direct to Council Plus Mayors	At-Large Election of Chairman
. Area councils' mayors serve on Metro Council . All other members of Metro Council serve exclusively at Metro	. Any qualified elector is eligible to be elected Chairman in an election across Metro
. No area municipal councillors (other than the mayor) would serve on Metro Council	

Mayors serve two councils.

All other members, including Chairman, serve only at Metro.

Chairman's constituency is Metro-wide.

Implications

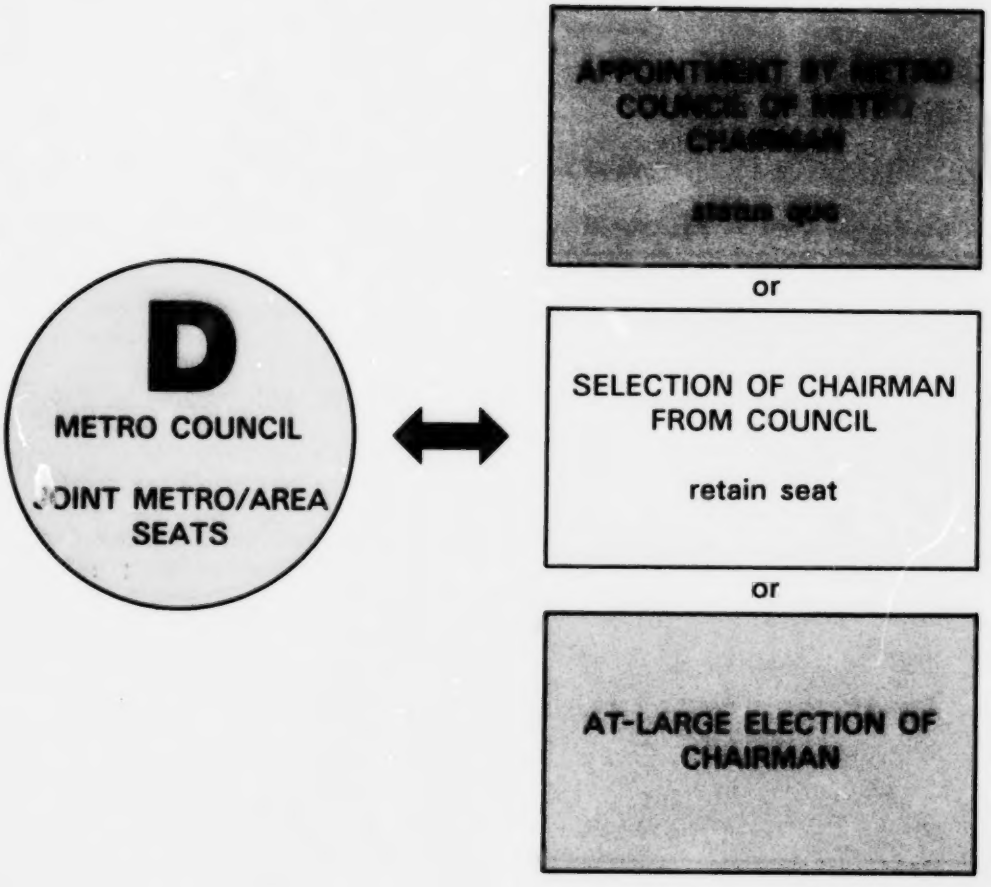
- Accountability of directly elected council members and Chairman to electorate is clear.
- Members of Metro Council can devote all their time to Metro issues with the exception of mayors who serve two councils.

- Awareness of Metro issues for electorate should be increased.
- The Chairman and members of council except mayors are accountable to the electorate for Metro issues exclusively.
- Mayors provide communication and linkage between Metro and area municipal councils and could reduce the possibility of conflict among these councils.
- Council has no control over selection of Chairman.
- Accountability of Chairman may be more apparent than real if Chairman does not have support of council.
- Polarization of Chairman and council might occur.
- Accountability of mayors for Metro issues is unclear as they serve two councils.
- May require increased statutory authority for Chairman consistent with mandate.
- Financial support and visibility critical considerations for candidates for Chairman.
- Chairman's ability to provide leadership depends on the support and confidence of council.

Case D

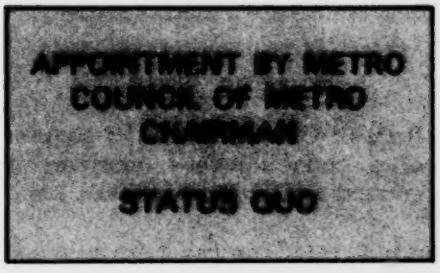
Joint Metro/Area Seats

CASE D


D
METRO COUNCIL
JOINT METRO/AREA SEATS
APPOINTMENT BY METRO COUNCIL OF METRO CHAIRMAN
status quo
or
SELECTION OF CHAIRMAN FROM COUNCIL
retain seat
or
AT-LARGE ELECTION OF CHAIRMAN

D. COUNCILLORS ELECTED TO JOINT METRO/AREA SEATS

1. Appointment of Metro Chairman by Council: Status Quo



Assumptions

Councillors Elected to Joint Metro/Area Seats	Chairman Appointed Status Quo
. Area mayors would serve on Metro Council . All Metro councillors would be elected to serve simultaneously on both area and Metro Council	. Metro Council chooses its Chairman . Members of council and "any other person" eligible . The Chairman resigns seat if held (vacancy must be filled)

All members, except Chairman, serve two councils.

Chairman serves only at Metro.

Chairman has no area municipal council or constituency responsibilities.

Implications

. Linkages between area municipal and Metro councils exist.

. Council selects Chairman and, having been so selected, Chairman has council's confidence and is accountable to council.

. Chairman may acquire informal power by being only member able to devote all time and effort to Metro issues.

. Electorate cannot directly determine choice of Chairman.

- Depending upon how area council divides responsibilities between Metro councillors and local aldermen, Metro councillors may be able to devote more time to Metro issues, notwithstanding that they serve two councils.

- Accountability not clear as members serve two councils.

- Role of Chairman can be adapted to meet the time and leadership needs of a council whose membership has a responsibility to both an area council and to Metropolitan Council.

D. COUNCILLORS ELECTED TO JOINT METRO/AREA SEATS

2. Appointment of Chairman from Council

SELECTION OF CHAIRMAN FROM COUNCIL RETAIN SEAT

Assumptions

Councillors Elected to Joint Metro/Area Seats

- Area mayors would serve on Metro Council
- All Metro councillors would be elected to serve simultaneously on both area and Metro councils

Appointment of Chairman from Council

- Council chooses from amongst own number
- Only elected members are eligible
- Chairman retains area/Metro Council seat

All members, including Chairman, serve two councils.

Chairman has constituency, area municipal council and Metro-wide responsibilities.

Implications

- Council selects Chairman and, having been so selected, Chairman has Council's confidence.
- Linkages exist between area municipal councils and Metro Council and could reduce the possibility of conflict among these councils.
- Accountability not clear as members serve two councils.
- Accountability of Chairman is divided between Metro Council, area municipal council and constituency.
- Electorate cannot directly determine choice of Chairman.

- Chairman has multiple responsibilities and increased workload which place competing demands on time available for constituency, area municipal and Metro-wide responsibilities.

- Chairman serves local constituency and becomes first among equals upon selection as Chairman. Chairman must adapt to accountability to both councils and constituency.

D. COUNCILLOR ELECTION TO JOINT METRO/AREA SEAT

3. At-Large Election of the Chairman

Assumptions

Councillor Election to Joint Metro/Area Seat

- Area mayors would serve on Metro Council
- All Metro councillors would be elected to serve simultaneously on both area and Metro council

At-Large Election of the Chairman

- Any qualified elector is eligible to be elected Chairman in an election across Metro

All members, excluding Chairman, serve two councils.

Chairman constituency is Metro-wide.

Implications

- Linkages between area and Metro councils.
- Chairman only member exclusively accountable to the electorate for Metro issues.
- Accountability not clear as members serve two councils.
- May require increased statutory authority for Chairman consistent with mandate.
- Accountability of Chairman may be more apparent than real if Chairman does not have support of council.
- Polarization of Chairman and council might occur.

- Chairman with this mandate could dominate council with divided loyalties.

- Financial support and visibility critical considerations for candidates for Chairman.

- Chairman's ability to provide leadership depends on support and confidence of council.

EPILOGUE

The composition of the Task Force, and indeed its terms of reference, did not permit recommendations about future electoral arrangements and council composition in Metropolitan Toronto. The report, prepared by the Task Force, is intended to present as clear and concise an analysis of the options as possible to those whose responsibility it is to make recommendations and decisions.

It is recognized that the interrelationships between the various options are complex. It is hoped that the method of presentation will facilitate and focus debate on the key issues involved.

APPENDIX A

EXTRACTS FROM ISSUES AND OPTIONS: AN INTERIM REPORT ON MUNICIPAL ELECTIONS IN ONTARIO, A REPORT OF THE ADVISORY COMMITTEE ON MUNICIPAL ELECTIONS, AUGUST 1986

Introduction

Methods of campaign financing, and the control and reporting of campaign expenses are issues of concern both to the public and to all levels of government. As the Report of the Royal Commission on Metropolitan Toronto (Robarts Report) observed, the costs of municipal campaigns have been mounting due to the increased cost of such items as postage, signs and printing. The ever-increasing cost of campaigning threatens to preclude access to elected office for the average citizen.

* * * *

DISCLOSURE AND REPORTING OF CONTRIBUTIONS AND EXPENSES

The "value" of disclosure, as the Ontario Commission on the Legislature (Camp Report) stated, "is that of encouraging an open system, in which the public's right to know, is a foremost consideration as is the right of contributors to give openly and voluntarily." The Committee (Advisory Committee on Municipal Elections) shares this view and believes that through disclosure, the public would be provided with the information needed to formulate a clear picture of a candidate's financial support. Some have argued that such disclosure may lessen the suspicion and cynicism among citizens regarding municipal institutions and the participants in the municipal political arena. Others claim that the purpose of disclosure is not only to provide information to the public but to deter individuals and groups from attempting to wield undue influence over representatives. As an editorial in the Toronto Star, dated April 12, 1985, stated:

> "The best way to make sure elected officials aren't in the pockets of big contributors is to have laws limiting the amount of contributions, and requiring candidates to disclose how much money they spend on their campaigns and where it came from."

Disclosure and limits to the amounts of contributions are primarily means of democratizing political campaigns. Such restrictions do not necessarily prevent unorthodox practices by candidates, but would enable the public to know who sides with whom in an election. In our view, it should make a difference to the voters and the candidates whether most of the money contributed to a candidate was donated by a single powerful business, trade association or trade union; or whether most of it came from small donations from individuals who belong to no special interest group.

* * * *

Recommendation 5:15 The Committee recommends that all municipal candidates be required to disclose their election campaign contributions and expenses within six months after polling day.

LIMITS ON CONTRIBUTIONS

The Committee believes that limits should be placed on the amounts contributed to a candidate or candidates. Statutory limits to the size of contributions to a candidate, in our opinion, are not designed to prevent individuals or groups from contributing to a campaign. They are intended to (a) reduce an officeholder's dependence on one or a few contributors; and (b) to assure the public that no individual or special interest group has direction, control or management over public policy as a direct result of a candidate's dependence on that group or individual for financial support, in the past, present or future. The size of contributions should be limited to $750 per candidate and to an aggregate of $3,000 for all candidates in the jurisdiction.

Recommendation 5:9 The Committee recommends that the amounts contributed to any one candidate during the proposed campaign donation period by an individual, corporation or other entity be limited to monies or services totalling $750 in value and to an aggregate of not more than $3,000 for all candidates in the jurisdiction.

* * * *

LIMITS ON EXPENSES

The costs of municipal election campaigns, as noted earlier, have reached a level that would prevent the average citizen from seeking elected office. For example, two candidates for the office of mayor in one municipality spent a combined total of well over $600,000. We believe that if municipal elected office is to be accessible to all citizens, limits must be placed on the amounts candidates and their supporters may spend in election campaigns. Otherwise, running for office will be limited to those who are wealthy or are well-connected in the business community and are able to outspend their opponents.

* * * *

Recommendation 5:10 The Committee recommends that campaign expenses be limited to $5,500 for candidates for head of council and to $3,500 for all other candidates, plus, for all candidates, an additional $0.40 per elector in a municipality with 1,001 to 20,000 electors; $0.50 per elector in a municipality with 20,001 to 100,000 electors; or $0.45 per elector in a municipality with more than 100,000 electors.

APPENDIX B

BACKGROUND INFORMATION ON BOARDS OF CONTROL

The first board of control in Ontario was established in the City of Toronto in the late nineteenth century. The purpose for establishing these boards was to provide an executive body within municipal council.

Members of the board of control were initially selected by members of council from amongst their own number. This practice was subsequently abandoned in favour of at-large elections for controllers.

Boards of control are required by the Municipal Act in all cities having a population of not less than 100,000. However, these cities may dispense with their board of control with the approval of the Ontario Municipal Board (OMB). In addition, boards of control may be established in any city or town having a population of not less than 45,000 and in other area municipalities having a population of not less than 100,000 by a by-law passed by two-thirds of all council members and with the approval of the OMB.

As of 1986, only five boards of control remain in Ontario: four in Metropolitan Toronto (North York, Etobicoke, Scarborough and York) and one in the City of London. Boards of control were abolished in various ways: in the course of implementation of regional government; by a two-thirds vote of council; or, by a municipal referendum with the approval of the OMB. In addition, a number of municipalities that would otherwise be required to establish a board of control have obtained private or public legislation which relieves them of that obligation.

DUTIES OF A BOARD OF CONTROL

Boards of control have a number of statutory responsibilities, including:

- preparation of the budget;
- preparation of specifications for and awarding of all contracts and tenders for materials and supplies; and,
- responsibility for the nominating to council of, compensation and dismissal of senior civic servants.

The council in which a board of control has been established may "by by-law or resolution assign to the board such other duties as the council considers proper." Thus the council is expressly empowered to delegate some of its functions to the board of control. Duties assigned to the board by council can be again assumed by the council upon repeal of the authorizing by-law or resolution.

In general, when the board has exercised its statutory duty, a two-thirds vote of those members of council present at the meeting is required to override decisions made by the board of control. For instance:

- the council may not expend or direct the expenditure of any sum (not including payments of debentures or other debts) unless it is provided for in the estimates without such a vote;

- the council may not reverse or vary the action of the board in respect of tenders, when the effect would be to increase the cost of the work or to award the contract to a tender other than the one to whom the board has awarded it without a two-thirds vote;

- council cannot appoint or select senior civic servants, unless they have been nominated by the board, without a two-thirds vote;

- no head of department dismissed by the board can be reinstated or reappointed without a two-thirds vote.

In the cases where the duty has been assigned by council to the board, a simple majority vote of council will suffice to override decisions of the board of control.

The Municipal Act provides that the board of control possesses the initiative with respect to the duties assigned to it. These duties are to be discharged exclusively by the board of control, except that the council can still introduce by-laws. The result is that council cannot originate action on matters within the board's jurisdiction but can only exercise its right to reverse, set aside, vary or refer back the board's actions when they are presented to council.

It is not easy for council to abolish boards of control. A two-thirds vote of all council members is necessary. Council's decision must then be approved by the Ontario Municipal Board. The relative sizes of municipal councils and boards of control are such that it is difficult to obtain the two-thirds vote of the entire council to abolish a board of control. In Etobicoke and York, for example, a unanimous vote of the members of council, who are not controllers, would be required. In North York and Scarborough, thirteen of fourteen council members must vote to abolish a board of control.

APPENDIX C

BACKGROUND INFORMATION ON BOARDS AND COMMISSIONS

The terms of reference of the Task Force require it to look at the issue of the Metropolitan Council's relationship to the Metropolitan Board of Commissioners of Police, the Metropolitan Toronto and Region Conservation Authority, the Board of Management of the Metropolitan Toronto Zoo, the Board of Management of the Guild Inn, the Metropolitan Toronto Library Board, the Children's Aid Society, the Catholic Children's Aid Society, the Toronto Transit Commission, the Metropolitan Licensing Commission, the Board of Governors of Exhibition Place and the Board of Management of the O'Keefe Centre.

At the outset, the Task Force would like to recognize the contribution of the "Task Force on Functional Relationships of the Council, Committees, Boards and Commissions." It made a number of recommendations for revisions to the relationship between the council and its boards and commissions to provide greater accountability and to improve reporting relationships. Most of these recommendations have now been adopted and implemented by the Metropolitan Council.

Before focusing specifically on the situation in Metro, it may be useful to provide a brief provincial perspective. A local board or commission is generally responsible for the management and administration of an individual governmental function, such as transit, police, child welfare, or public health. Carrying out these functions accounts for about one-third of all municipal spending in Ontario. While there are many similarities in the way boards and commissions function, there is also tremendous diversity in the present system. The specific role, composition and reporting relationship of each board or commission depends on the particular legislative provisions under which it operates.

In the early 1970s, many special purpose bodies were eliminated in Ontario because of concern that they obscured the accountability of councils and restricted comprehensive priority-setting. This trend has continued. The enactment of the new Planning Act in 1983 resulted in the abolition of 390 planning boards, and in eight regions, boards of health were replaced by committees of council.

There has also been movement in the opposite direction. For example, the number of library boards and museum boards has increased substantially over the past fifteen years. Since 1969, the province has encouraged the formation of new boards of management for downtown business improvement areas.

More recently, attention has increasingly focused on the issue of accountability of boards to municipal councils and to the residents of the municipality. There is a continuing concern that many boards are not responsive to the concerns of residents or to the priorities of council. There is also concern that having different services provided by individual boards makes it extremely difficult to develop a co-ordinated system of municipal services, and to plan rationally for the extension of those services.

Recent amendments have resulted in closer ties between municipal councils and local boards. The Municipal Act now gives councils greater discretion over the size and composition of certain boards and increased control over remuneration to their appointees. The prohibition on appointing council members to certain boards has been removed and the terms of office have been made to coincide with the term of the appointing council.

The revised Public Libraries Act, proclaimed on March 29, 1985, provides another example of the current direction in board-council relations. Library boards are now more accountable to municipal councils, primarily through the municipal budget review and approval process. In addition, councils have greater control over board appointments and can appoint more of their own members to the board.

BOARDS AND COMMISSIONS IN METROPOLITAN TORONTO

The members of most Metro boards and commissions are appointed by the Metropolitan Council or, in such cases as the Board of Police Commissioners and the Metro Library Board, by a number of bodies, including the province. Moreover, some members of boards are appointed for a fixed term, while others serve only at the pleasure of council. The term of office of some board members overlaps the term of council, while that of others is conterminous with the council's term.

There are also substantial variations in how boards relate to the Metropolitan Council. Some are required to provide detailed information of their activities through a designated standing committee of council. On the other hand, there is no legislative requirement that boards such as the Toronto Transit Commission report to the Metropolitan Council. In practice, however, all of the Metropolitan boards and commissions come to council for approval of their operating budgets.

The financial relationship presents an equally diverse picture. The Board of Governors of Exhibition Place must obtain the Metropolitan Council's approval of its annual budget, "and all spending by the Board shall be in accordance with the approved budget in such level of detail as the Metropolitan Council determines." The Board of Police Commissioners is more independent of the Metropolitan Council. Council's only recourse, if it does not agree with the board's budgetary estimate, is to appeal the amount to the Ontario Police Commission. In the case of a Children's Aid Society, the Metropolitan Council has limited control.

Differences such as these make it very difficult to describe the common features of all special purpose bodies or to discuss them collectively in a meaningful way. For purposes of this review, boards and commissions in Metropolitan Toronto have therefore been classified as follows:

(1) Provincial/Municipal boards and commissions -e.g., Conservation Authority, Police Board;

(2) Hybrid boards and commissions - e.g., Children's Aid Societies, Library Board, Guild Inn Board, Zoo Board; and

(3) Municipal boards and commissions - e.g., Toronto Transit Commission, O'Keefe Centre Board, Licensing Commission.

In the first category, a local board administers a function in which there is a major provincial interest. In the second, several bodies have a stake in the function administered by the board, including the province, municipalities, and special interest groups. This is usually, although not always, reflected in the manner in which the membership is selected. In the third category, the function administered by the board is basically a municipal responsibility, with minimal provincial interest or control. However, in the case of the T.T.C., while the function and membership are established by the council, significant provincial control is maintained through cost-sharing formulas and operating subsidies.

In this report, attention has been directed to all three categories, and the issues discussed are applicable to each. None the less, for practical purposes the major emphasis has been placed on "municipal" and "hybrid" boards.

PURPOSES OF LOCAL BOARDS AND COMMISSIONS

There have been five major historical reasons for establishing local boards and commissions.

(1) Provincial Interest

There are certain functions which, although administered at the local level, are primarily matters of provincial rather than municipal interest. For such functions, a special purpose body with strong provincial direction of its activities has been deemed to be the best means of local administration.

(2) Geographical Area

In some cases, the most appropriate geographical area for providing a service is different than the area of municipal jurisdiction. Conservation authorities are a primary example of this type of special purpose body. Because their major objectives are water management and flood control, they have been organized on the basis of watersheds. In the case of Metro, the Conservation Authority's area of jurisdiction extends far beyond the boundaries of Metropolitan Toronto.

(3) Time Constraints

In some cases, the duties are too detailed and time-consuming for the municipal council to perform. Local boards are often offered as assistance to enable council to concentrate on its more important responsibilities and allow interested residents a role in administering the function.

(4) Technical Expertise

Certain governmental functions are very technical in nature. It makes more sense to have such functions performed by a separate board composed of members with technical expertise in the field, as well as with business experience. This rationale led to the establishment of the Toronto Transit Commission, the Guild Inn Board and the Exhibition Place Board.

(5) Political Interference

There is also a historical belief that some functions are too important and sensitive to be left to an elected municipal council to administer. The fear is that direct control of a function by council will lead to political interference and ultimately to corruption.

In a jurisdiction the size of Metropolitan Toronto, the fourth and fifth reasons do not appear to have much validity. The fourth may have merit in some cases, although the need for technical expertise and business experience is not sufficient justification in itself for the creation or continued existence of a local board. In Metropolitan Toronto, the councils handle functions that are technically complicated, and do so in a professional and businesslike manner. Moreover, they have two ready means of obtaining any needed expertise: to hire staff with the necessary technical skills; and to appoint advisory committees of experts in that field.

The claim that certain functions should be removed from political control is not a convincing rationale for special purpose bodies. A quotation from the 1970 Report of the Waterloo Area Local Government Review is still appropriate in this context.

> One of the reasons often given for establishing such bodies is "to remove them from politics," an argument which represents a denial and a travesty of democratic theory. How can a function be removed from politics when politics is the basic process of democracy? It is only a valid argument for activities which are concerned with the application of public policy, not for establishing it. Too often it means that the body shall represent a special interest group and not the public at large (p.160).

Summary

It can be argued that municipal functions largely financed by the municipality and its ratepayers should be under the control of the municipal council, unless one or more of the following reasons for the establishment of a local board are applicable:

- **the function, although administered at the local level, is basically a matter of provincial rather than municipal interest;**
- **the most appropriate geographical area for providing the service is larger than the area of jurisdiction of the municipality;**
- **the duties to be performed are so detailed and time-consuming that the municipal council does not have sufficient time to perform them; or**
- **the function needs to be administered like a commercial enterprise by individuals with technical expertise and business experience.**

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